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THE DISTRICT OF COLUMBIA

BEFORE

THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	
)	
James Hagan)	OEA Matter No. 2401-0125-04
Employee)	
)	Date of Issuance: May 12, 2005
v.)	
)	Sheryl Sears, Esq.
)	Administrative Judge
D.C. Public Schools)	
Agency)	

James Hagan, *Pro Se*
Harriet Segar, Esq., Agency Representative

INITIAL DECISION

PROCEDURAL BACKGROUND AND FINDINGS OF FACT

On May 27, 2004, Karen R. Jackson, Ph.D., Chief Human Resources Officer, issued a letter to notify Employee, a Teacher, that his position would be abolished effective on June 30, 2004. Employee filed an appeal with this Office on June 29, 2004. On March 31, 2005, this Judge issued an "Order Convening Pre-Hearing Conference and Setting Deadlines for Discovery and Pre-Hearing Statements."

The Order directed that the parties complete discovery and submit pre-hearing statements no later than April 29, 2005. They were directed to appear for the conference at 2:00 p.m. on May 11, 2005. The Order included clear instructions on how to request a postponement of a deadline or continuance of the proceeding. The parties were also advised that, in accordance with OEA Rule 622, 46 D.C. Reg. 9297 (1999), sanctions could be imposed for their failure to attend the conference or to comply with a deadline. According to the certificate of service, the Order was sent to Employee's address of record.

Agency's representative submitted a pre-hearing statement and appeared for the pre-hearing conference. Employee did not submit a pre-hearing statement and he failed to appear for the conference.

JURISDICTION

The Office has jurisdiction over this appeal pursuant to D.C. Official Code § 1-606.03 (2001).

ISSUE

Whether this appeal should be dismissed for Employee's failure to prosecute.

ANALYSIS AND CONCLUSION

OEA Rule 622.3, 46 D.C. Reg. 9313 (1999) reads, in relevant part, as follows:

If a party fails to take reasonable steps to prosecute or defend an appeal, the Administrative Judge, in the exercise of sound discretion, may dismiss the action or rule for the appellant. Failure of a party to prosecute or defend an appeal includes, but is not limited to, a failure to:

- (a) Appear at a scheduled proceeding after receiving notice;
- (b) Submit required documents after being provided with a deadline for such submission; or
- (c) Inform this Office of a change of address which results in correspondence being returned.

Employee failed to comply with the directives set forth in the Order. He did not appear at a scheduled proceeding. Nor did he submit required documents. Thus, he failed to prosecute his appeal before this Office. This, according to the rules, is grounds for dismissing the appeal. For these reasons, the appeal shall be dismissed.

ORDER

It is hereby ORDERED that this appeal is DISMISSED for failure to prosecute.

FOR THE OFFICE:



SHERYL SEARS, ESQ.
ADMINISTRATIVE JUDGE