

THE DISTRICT OF COLUMBIA

BEFORE

THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	
)	
Jeremy Heckman)	OEA Matter No. 1601-0113-11
Employee)	
)	
)	Date of Issuance: July 23, 2013
v.)	
)	
DC Fire & Emergency Medical Services Dept)	Joseph E. Lim, Esq.
Agency)	Senior Administrative Judge
_____)	
Jeremy Heckman, Employee <i>pro se</i>)	
Kevin Turner, Esq., Agency Representative)	

INITIAL DECISION

PROCEDURAL BACKGROUND AND FINDINGS OF FACT

On June 2, 2011, Jeremy Heckman (Employee) filed a petition for appeal with this Office from Agency's final decision terminating him after a trial board hearing for willfully failing to respond to an emergency call. The matter was assigned to the undersigned judge on or around August 30, 2012. After a postponement, I scheduled a prehearing conference for March 8, 2013 and ordered the parties to submit a prehearing statement before then. While Agency complied, Employee failed to appear at the conference or submit a statement. I issued an Order to Good Cause to Employee on March 11, 2013. Despite prior warnings that failure to comply could result in sanctions, including dismissal; Employee has failed to respond. The record is closed.

JURISDICTION

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

ISSUE

Whether this appeal should be dismissed for failure to prosecute.

FINDING OF FACTS, ANALYSIS AND CONCLUSION

In accordance with OEA Rule 621.3, 59 DCR 2129 (March 16, 2012), this Office has long maintained that a petition for appeal may be dismissed when an employee fails to prosecute the appeal. In this matter, Employee failed to respond to all Orders that I issued. Both had specific time frames and both contained warnings that failures to comply could result in penalties, including the dismissal of the petition. The Orders were sent to Employee at the address he listed as his home address in his petition and in his submissions. They were sent by first class mail, postage prepaid and were not returned. They are presumed to have been

delivered in a timely manner. *See, e.g., Employee v. Agency*, OEA Matter No.1602-0078-83, 32 D.C. Reg. 1244 (1985).

ORDER

It is hereby ORDERED that the petition in this matter is dismissed for failure to prosecute.

FOR THE OFFICE:

JOSEPH E. LIM, Esq.
Senior Administrative Judge