

THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	
)	
Ronnika Jennings)	OEA Matter No. 1601-0055-18
Employee)	
)	Date of Issuance: October 23, 2018
v.)	
)	Joseph E. Lim, Esq.
Metropolitan Police Department)	Senior Administrative Judge
Agency)	
_____)	
Ronnika Jennings, Employee <i>pro se</i>		
Nada Paisant, Esq., Agency Representative		

INITIAL DECISION

INTRODUCTION AND PROCEDURAL BACKGROUND

Ronnika Jennings, Employee herein, filed a petition with the Office of Employee Appeals (OEA) on August 10, 2018, appealing the decision of the Metropolitan Police Department, Agency herein, to terminate her from her position as customer service representative. The matter was assigned to me on or about August 10, 2018.

A prehearing conference was scheduled for October 11, 2018. Although the Agency Representative appeared, Employee failed to do so and did not contact OEA to explain her absence. On October 12, 2018, I issued an Order asking Employee to show cause for her absence as well as her failure to submit a prehearing statement as earlier ordered. Employee was notified that her submission was due by 4:00 p.m. on October 18, 2018, and that the record would close on that date unless the parties were notified to the contrary. Employee was further advised that failure to respond would result in the dismissal of this matter. The Order was sent to the address listed on Employee's petition by first class mail, postage prepaid. It was not returned and is presumed delivered. Employee did not respond to the Order and did not contact the undersigned.¹ The record is closed.

JURISDICTION

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

ISSUE

Should the petition be dismissed?

FINDINGS OF FACT, ANALYSIS AND CONCLUSIONS

¹ The undersigned received information that Employee is incarcerated. The OEA Board held in *Emory Mavins v. Department of Transportation*, OEA Matter No. 1601-0202-09, *Opinion and Order on Petition for Review* (March 19, 2013), that incarceration does not toll the deadline for filing a response or complying with an order.

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 with prejudice when an employee fails to prosecute the appeal. In this matter, Employee failed to respond to two 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 she listed as her home address in her petition and in her subsequent 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., Prater v. MPD*, OEA Matter No. 1601-0135-03, *Opinion and Order on Petition for Review* (November 28, 2006), and *Employee v. Agency*, OEA Matter No.1602-0078-83, 32 D.C. Reg. 1244 (1985).

This petition is being dismissed based on Employee's failure to prosecute her appeal and to comply with properly issued Orders from the undersigned.

ORDER

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

FOR THE OFFICE:

Joseph E. Lim, Esq.
Senior Administrative Judge