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THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:)	
)	OEA Matter No.: 1601-0076-15
ROLAND PAYTON,)	
Employee)	
)	Date of Issuance: November 13, 2015
v.)	
)	
DISTRICT OF COLUMBIA DEPARTMENT OF)	
MOTOR VEHICLES,)	
Agency)	
)	
)	Arien P. Cannon, Esq.
)	Administrative Judge

Roland Payton, Employee, *Pro se*
Milena Mikailova, Esq., Agency Representative

INITIAL DECISION

INTRODUCTION AND PROCEDURAL BACKGROUND

Roland Payton (“Employee”) filed a Petition for Appeal with the Office of Employee Appeals on May 19, 2015, contesting the District of Columbia Department of Motor Vehicles’ (“Agency”) decision to impose a fifteen (15) day suspension from his position as an Inspector. Agency filed its Answer on June 24, 2015. I was assigned this matter on September 16, 2015.

A Status Conference Order was issued on October 5, 2015, which scheduled a Status Conference for November 2, 2015. This Order warned that sanctions may be imposed if either party failed to appear. The Status Conference convened as planned at 9:30 a.m. on November 2, 2015. Agency’s representative was present; however, Employee failed to appear. Accordingly, Employee was issued a Show Cause Order on November 2, 2015, to provide a statement of good cause for failing to appear at the Status Conference. Employee was given until November 10, 2015, to respond to the Show Cause Order. To date, Employee has failed to respond to the Show Cause Order. The record is now closed.

JURISDICTION

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

ISSUE

Whether this matter should be dismissed for failure to prosecute.

ANALYSIS AND CONCLUSION

A Status Conference was convened on November 2, 2015. A notice of the Status Conference was sent to both parties on October 5, 2015. Agency's representative was present at the Status Conference; however, Employee did not appear. Accordingly, Employee was issued a Show Cause Order to provide a statement of good cause for failing to appear at the Status Conference. Employee was given until November 10, 2015, to respond. To date, Employee has failed to respond to the Show Cause 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 when an employee fails to prosecute his/her appeal. 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.¹ Failure of a party to prosecute or defend an appeal includes, but is not limited to, a failure to submit required documents after being provided with a deadline for such submission and failure to appear at a scheduled proceeding after receiving notice. Here, Employee failed to appear at the Status Conference scheduled for November 2, 2015, and failed to respond to the Show Cause Order. Employee was warned in both the Order scheduling the Status Conference and the Show Cause Order, that a failure to respond may result in the imposition of sanctions, including dismissal of his appeal. Accordingly, I find that Employee has failed to exercise due diligence and take reasonable steps in prosecuting his appeal before this Office.

ORDER

Based on the aforementioned, it is hereby ORDERED that Employee's Petition for Appeal in this matter is DISMISSED for failure to prosecute.

FOR THE OFFICE:

Arien P. Cannon, Esq.
Administrative Judge

¹ OEA Rule 621.3, 59 DCR 2129 (March 16, 2012).