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**THE DISTRICT OF COLUMBIA**  
**BEFORE**  
**THE OFFICE OF EMPLOYEE APPEALS**

In the Matter of:	)	
	)	
EMPLOYEE,	)	OEA Matter No. J-0076-25
	)	
v.	)	Date of Issuance: February 9, 2026
	)	
DEPT. OF PUBLIC WORKS,	)	Joseph E. Lim, Esq.
<u>Agency</u>	)	Senior Administrative Judge
Employee <i>pro se</i>	)	
Zita Orji, Esq., Agency Representative	)	

**INITIAL DECISION**

INTRODUCTION AND PROCEDURAL BACKGROUND

Employee filed a petition with the Office of Employee Appeals (OEA) on September 2, 2025, appealing the decision of the Department of Public Works (“Agency”) to suspend her from her position as Sanitation Supervisor for five (5) days. In response to OEA’s September 4, 2025, request, Agency filed its answer on October 3, 2025. The matter was assigned to me on or about October 3, 2025.

Based on the specific facts alleged in Agency’s Motion to Dismiss with Prejudice, I ordered Employee to respond regarding OEA’s jurisdiction over this matter by October 27, 2025. On November 6, 2025, Employee asked for another two-week extension to November 20, 2025. When Employee failed to submit anything by her requested deadline, I issued a Show Cause Order for Employee to explain her non-compliance. Employee was notified that her submission was due by 4:00 p.m. on February 2, 2026, 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. The record is closed.

JURISDICTION

As will be explained below, the jurisdiction of this Office has not been established.

## ISSUE

Whether this Office has jurisdiction over this matter.

## FINDINGS OF FACT, ANALYSIS AND CONCLUSIONS OF LAW

Title 1, Chapter 6, Subchapter VI of the D.C. Official Code (2001), a portion of the Comprehensive Merit Protections Act (hereinafter “CMPA”), sets forth the law governing this Office. D.C. Official Code § 1-606.03 (“Appeal procedures”) states in pertinent part that:

(a) An employee may appeal a final agency decision affecting a performance rating which results in removal of the employee (pursuant to subchapter XIII-A of this chapter), an adverse action for cause that results in removal, reduction in force (pursuant to subchapter XXIV of this chapter), reduction in grade, placement on enforced leave, or suspension for 10 days or more (pursuant to subchapter XVI-A of this chapter) to the Office upon the record and pursuant to other rules and regulations which the Office may issue. Any appeal shall be filed within 30 days of the effective date of the appealed agency action.

The above referenced career service rights conferred by the CMPA may be exercised by aggrieved career and educational service employees of the District of Columbia government. It is well-settled that OEA lacks jurisdiction over suspensions less than ten days. *Burton v. D.C. Fire & Emergency Services Department*, OEA Matter No. 1601-0156-09 (November 7, 2011), (OEA lacked jurisdiction over employee’s six-day suspension); *Jordan v. D.C. Metropolitan Police Department*, OEA Matter No. 1601-0003-06, *Opinion and Order on Petition for Review* (July 24, 2008), (OEA lacked jurisdiction over an eight-day suspension with two days held in abeyance).

Relative to the instant matter, I find that OEA lacks the authority to adjudicate an appeal of a suspension that is less than ten days. Here, Agency argued and Employee does not deny that she received only a five (5) day suspension. I find that the days of suspension served does not meet the threshold for conveying OEA’s jurisdiction over this matter. Therefore, I conclude that I must dismiss this matter for lack of jurisdiction.

There exists another ground for dismissing Employee’s appeal. OEA Rule 624.3 states in relevant part that “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:<sup>1</sup>

(a) Appear at a scheduled proceeding after receiving notice;

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<sup>1</sup> 68 DCR 012473 (December 27, 2021).

- (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.”

*Emphasis supplied.*

This Office has consistently held that failure to prosecute an appeal includes a failure to appear and/or a failure to submit required documents after being provided with a deadline for such a submission.<sup>2</sup> In this matter, Employee failed to submit a Prehearing Statement or appear at the scheduled Prehearing Conference. Employee also failed to respond to a Show Cause Order issued in this matter.

Accordingly, I find that Employee has not exercised the diligence expected of an appellant pursuing an appeal before this Office. I further find that Employee’s failure to prosecute her appeal is a violation of OEA Rule 624. For these reasons, this matter should be dismissed for failure to prosecute.

ORDER

Based on the foregoing, it is hereby ORDERED that this matter be DISMISSED for lack of jurisdiction and for failure to prosecute.

FOR THE OFFICE:

Joseph Lim  
Joseph E. Lim, Esq.  
Senior Administrative Judge

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<sup>2</sup> *Williams v. D.C. Public Schools*, OEA Matter 2401-0244-09 (December 13, 2010); *Brady v. Office of Public Education Facilities Modernization*, OEA Matter No. 2401-0219-09 (November 1, 2010).