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THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:)	
)	
PAMELA M. SPIVEY)	
Employee)	OEA Matter No. 1601-0212-04
)	
v.)	Date of Issuance: July 7, 2005
)	
DISTRICT OF COLUMBIA)	Rohulamin Quander, Esq.
PUBLIC SCHOOLS)	Senior Administrative Judge
Agency)	

Pamela M. Spivey, Employee,
Rebecca L. Springer, Esq., Agency Representative

INITIAL DECISION

PROCEDURAL BACKGROUND AND FINDINGS OF FACT

On August 18, 2004, Employee, a bus dispatcher with the District of Columbia Public Schools, Division of Transportation (the "Agency"), filed a Petition for Appeal with the D.C. Office of Employee Appeals (the "Office"), challenging the Agency's decision, effective July 14, 2004, separating her from employment pursuant to allegations of neglect of duty and lying about the circumstances of a job-related incident, in which a disabled child was left in the temporary care of an unauthorized person. The matter was assigned to the undersigned administrative judge (AJ) on April 4, 2005.

On June 1, 2005, I issued an Order, convening a Status Conference for July 7, 2005. The Order also directed that Employee file a written response to Agency's Motion to Dismiss, which was filed with this Office on November 29, 2004. The Order was sent to Employee's listed address of record by regular first class U.S. mail. However, Employee failed to comply, filing no requested documents and likewise not appearing for the Status Conference.

JURISDICTION

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

ISSUE

Whether this appeal should be dismissed for failure to prosecute.

ANALYSIS AND CONCLUSION

OEA Rule § 622.3, 46 D.C. Reg. 9313 (1999), provides 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.

Under the rules of this Office, a failure to appear at a scheduled proceeding after receiving notice, or to submit required documents after being provided with a deadline for such submission, could result in sanctions, including dismissal. I conclude that Employee failed to prosecute the appeal, which is a sound cause for this matter to be dismissed.

ORDER

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



FOR THE OFFICE:

ROHULAMIN QUANDER, ESQ.
Senior Administrative Judge