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**THE DISTRICT OF COLUMBIA**

**BEFORE**

**THE OFFICE OF EMPLOYEE APPEALS**

_____	)	
In the Matter of:	)	
	)	OEA Matter No.: 1601-0065-12
LASWAUN WASHINGTON,	)	
Employee	)	
	)	Date of Issuance: May 23, 2014
v.	)	
	)	
METROPOLITAN POLICE DEPARTMENT,	)	
Agency	)	
_____	)	
	)	Arien P. Cannon, Esq.
	)	Administrative Judge
Laswaan Washington, Employee, <i>Pro se</i>		
Brenda S. Wilmore, Esq., Agency Representative		

**INITIAL DECISION**

**INTRODUCTION AND PROCEDURAL BACKGROUND**

Laswaan Washington (“Employee”) filed a Petition for Appeal with the Office of Employee Appeals on February 24, 2012, contesting the Metropolitan Police Department’s (“Agency”) decision to suspend him for fifteen (15) days. At the time of the suspension, Employee was a Sergeant with Agency. Agency filed its Answer on March 13, 2012. I was assigned this matter in August of 2013.

A Status Conference was convened on February 24, 2014. A Post Status Conference Order was issued on February 25, 2014, which required the parties to address the issues presented in this matter. Agency’s brief was due on or before March 31, 2014. Agency timely submitted its brief on March 31, 2014. Employee’s brief was due on or before April 25, 2014. However, Employee requested an extension of time to file his brief because Agency’s brief was sent to Employee’s old address. Employee’s request for an extension of time was granted.<sup>1</sup> Employee had until May 9, 2014 to file his brief. To date, Employee has yet to file a brief in

<sup>1</sup> Employee contacted this Office on April 17, 2014 to inquire whether or not Agency had filed its brief. It was determined that the address listed on the Certificate of Service for Agency’s brief was an old address for Employee. The undersigned then sent an electronic copy of Agency’s brief to Employee. Subsequently, Employee’s request for an extension of time to file his response was granted by the undersigned via e-mail on April 25, 2014.

response to Agency's submission. As such, a Show Cause Order was issued on May 14, 2014, requiring Employee to provide a statement of good cause for failing to respond to the Post Status Conference Order. To date, Employee has failed to respond to both the Post Status Conference Order and 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 in this matter on February 24, 2014. Subsequently, a Post Status Conference Order was issued, which required the parties to submit briefs on the issues in this case. Agency's brief was due on or before March 31, 2014. Agency timely submitted its brief on March 31, 2014. Employee's brief was due on or before April 25, 2014. After being granted an extension of time, Employee had until May 9, 2014 to file his brief. To date, Employee has failed to submit his brief in response to the Post Status Conference Order. A Show Cause Order was issued on May 2, 2014, which required Employee to provide a statement of good cause for failing to respond to the Post Status Conference Order. Employee was given until May 9, 2014, to provide a statement of good cause for failing to respond to the Post Status Conference Order. To date, Employee has failed to respond to both the Post Status Conference Order and 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.<sup>2</sup> Failure of a party to prosecute or defend an appeal includes a failure to submit required documents after being provided with a deadline for such submission. Here, Employee has failed to respond to both the Post Status Conference Order and the Show Cause Order. Employee was warned that failure to respond may result in the imposition of sanctions. Accordingly, I find that Employee has failed to exercise due diligence and take reasonable steps in prosecuting his appeal before this Office.

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<sup>2</sup> OEA Rule 621.3, 59 DCR 2129 (March 16, 2012).

**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:

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Arien P. Cannon, Esq.  
Administrative Judge