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THE DISTRICT OF COLUMBIA

BEFORE

THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	
)	
SAWNEY BELL,)	
Employee)	OEA Matter No. 1601-0156-13
)	
v.)	Date of Issuance: November 3, 2014
)	
D.C. PUBLIC SCHOOLS,)	
Agency)	Eric T. Robinson, Esq.
)	Senior Administrative Judge
_____)	
Sawney Bell, Employee <i>Pro-Se</i>)	
Carl K. Turpin, Esq., Agency Representative)	

INITIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

On September 6, 2013, Sawney Bell (“Employee”) filed a petition for appeal with the Office of Employee Appeals (“OEA” or “the “Office”) contesting the District of Columbia Public Schools’ (“DCPS” or the “Agency”) action of removing him from his last position of record – Custodian. The undersigned was assigned this matter on or about May 14, 2014. Thereafter, pursuant to an Order dated May 30, 2014, I required the parties to appear for a prehearing conference on July 31, 2014. Moreover, the parties were required to submit their respective prehearing statements by July 21, 2014. Employee requested a continuance in this matter which was granted. Accordingly, the prehearing conference was rescheduled for October 9, 2014. Pursuant to this order, Employee’s prehearing statement was now due on or before September 25, 2014. However, Employee failed to submit his prehearing statement and he failed to appear for the prehearing conference. Of note, DCPS had filed its prehearing statement and was present and ready to proceed for the aforementioned prehearing conference. On October 9, 2014, I issued an Order for Statement of Good Cause to Employee requiring Employee to establish good cause for his prehearing conference absence and his failure to submit his prehearing statement. Employee’s response was due on or before October 21, 2014. To date, Employee has not submitted a response to the undersigned. I have determined that no further proceedings are warranted. The record is now closed.

JURISDICTION

The Office has jurisdiction pursuant to D.C. Official Code § 1-606.03 (2001).

ISSUE

Whether this matter should be dismissed.

ANALYSIS AND CONCLUSION

OEA Rule 621.3, *id.*, states 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.

As noted above, OEA Rule 621.3 allows for a matter to be dismissed for failure to prosecute when a party does not appear for scheduled proceedings after having received notice or fails to submit required documents. Here, Employee did not appear for the prehearing conference as scheduled, he did not file his prehearing statement and he did not file a response to my Order for Statement of Good Cause to the OEA. I find that Employee has not exercised the diligence expected of an appellant pursuing an appeal before this Office. Accordingly, I find that this matter should be dismissed due to his failure to prosecute his appeal.

ORDER

It is hereby ORDERED that the above-captioned petition for appeal be dismissed.

FOR THE OFFICE:

ERIC T. ROBINSON ESQ.
Senior Administrative Judge