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

In the Matter of:	)	
	)	
EMPLOYEE, ¹	)	OEA Matter No.: J-0046-26
Employee	)	
	)	
v.	)	Date of Issuance: June 26, 2026
	)	
D.C. DEPARTMENT OF FOR-HIRE VEHICLES,	)	NATIYA CURTIS, Esq.
Agency	)	Administrative Judge
	)	

Employee, *Pro se*
James Lyons, Esq., Agency Representative

INITIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

On March 24, 2026, Employee filed a Petition for Appeal with the Office of Employee Appeals (“OEA” or “Office”) contesting the District of Columbia’s Department of For-Hire Vehicle’s (“Agency” or “DFHV”) decision to terminate her from her position as Chief Supervisory Field Training Officer, effective February 26, 2026. OEA issued a letter dated March 24, 2026, requesting that Agency file an Answer on or before April 23, 2026. Agency filed its Answer to Employee’s Petition for Appeal on April 23, 2026, as required. Agency asserted in its Answer that this Office lacks jurisdiction over this matter because Employee was in the Management Supervisory Service (“MSS”) and that such appointments “serve at the pleasure of the appointing authority and may be terminated any time.”²

This matter was assigned to the undersigned Administrative Judge (“AJ”) on April 27, 2026. On May 1, 2026, I issued an Order for Briefs on Jurisdiction requiring Employee to address the jurisdiction issue raised by Agency in its Answer. Employee’s brief was due by May 18, 2026. Agency’s reply brief was due by June 1, 2026. Employee did not comply with the prescribed deadline. Accordingly, on May 26, 2026, the undersigned issued an Order for Statement of Good Cause to Employee for her failure to submit a response pursuant to the May 1, 2026, Order. Employee was required to submit her brief and statement, by June 9, 2026. As of the date of this decision, Employee has not responded to the May 26, 2026, Order. The record is now closed.

¹ Employee’s name was removed from this decision for the purposes of publication on the Office of Employee Appeals’ website

² Agency’s Answer to Employee’s Petition for Appeal (April 23, 2026).

JURISDICTION

The jurisdiction of this Office has not been established.

ISSUE

Whether this Appeal should be dismissed for failure to prosecute.

BURDEN OF PROOF

OEA Rule 631.1, 6-B DCMR Ch. 600 (December 27, 2021) states:

The burden of proof for material issues of fact shall be by a preponderance of the evidence.

Preponderance of the evidence shall mean: That degree of relevant evidence which a reasonable mind, considering the record as a whole, would accept as sufficient to find a contested fact more probably true than untrue.

OEA Rule 631.2 *id.* states:

For Appeals filed under § 604.1, the employee shall have the burden of proof as to issues of jurisdiction, including timeliness of filing. The agency shall have the burden of proof as to all other issues.

ANALYSIS AND CONCLUSIONS OF LAW

OEA Rule 624.3, DCMR Ch. 600, et seq (December 27, 2021) grants an Administrative Judge the authority to "...dismiss the action or rule for the appellant" if a party fails to take reasonable steps to prosecute or defend an appeal. 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 (emphasis added);
- (b) *Submit required documents after being provided with a deadline for such submission* (emphasis added); or
- (c) Inform this Office of a change of address which results in correspondence being returned.

This Office has consistently held that a matter may be dismissed for failure to prosecute when a party fails to appear for scheduled proceeds or fails to submit required documents.³ Here, Employee was warned in the Order for Statement of Good Cause issued on May 26, 2026, that failure to comply with the Order could result in sanctions, including dismissal. As of the date of this decision, Employee has not provided a written response to the

³ See *David Bailey Jr. v. Metropolitan Police Department*, OEA Matter No. 1601-0007-16 (April 14, 2016).

May 26, 2026, Order. Employee's response was required to make an informed decision regarding the resolution of this matter. Accordingly, I find that Employee's inaction presents a valid basis for dismissing this matter. Consequently, I further find that this matter should be dismissed for failure to prosecute.

ORDER

It is hereby **ORDERED** that the Petition for Appeal in this matter be **DISMISSED** for Employee's failure to prosecute.

FOR THE OFFICE:

/s/ Natiya Curtis
Natiya Curtis Esq.
Administrative Judge