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THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:)	
)	OEA Matter No.: 1601-0128-14
LAKEYA PRINCE,)	
Employee)	
)	Date of Issuance: June 22, 2015
v.)	
)	
OFFICE OF THE STATE SUPERINTENDENT)	
OF EDUCATION,)	
Agency)	
)	
)	Arien P. Cannon, Esq.
)	Administrative Judge

Lakeya Prince, Employee, *Pro se*
Hillary Hoffman-Peak, Esq., Agency Representative

INITIAL DECISION

INTRODUCTION AND PROCEDURAL BACKGROUND

On September 12, 2014, Lakeya Prince (“Employee”) filed a Petition for Appeal with the Office of Employee Appeals (“OEA”) contesting the Office of the State Superintendent of Education’s (“Agency”) decision to terminate her from her position as a Bus Attendant. Agency filed a Motion to Dismiss for Lack of Jurisdiction on October 7, 2014. I was assigned this matter on January 20, 2015.

A Status Conference was held on March 30, 2015. Both parties were present. At the Status Conference, Agency’s Motion to Dismiss was denied since it did not provide Employee her complete appeal rights. Namely, Agency did not provide Employee with the timeline in which she had to file her appeal with OEA. A Post Status Conference Order (“PSCO”) was issued on March 31, 2015, which required the parties to address the issues set forth at the Status Conference. Agency’s brief was due on or before May 1, 2015. Employee’s brief was due on or before June 1, 2015. Agency filed its brief on April 30, 2015. To date, Employee has not filed her brief in response to the PSCO. A Show Cause Order was issued on June 8, 2015, for Employee to provide a statement of good cause for failing to submit her brief in response to the

March 31, 2015 PSCO. To date, Employee has also failed to respond to 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).

ANALYSIS AND CONCLUSION

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.¹ Failure of a party to prosecute or defend an appeal includes, but is not limited to, failing to submit required documents after being provided a deadline to file such submission. To date, Employee has failed to respond to the Post Status Conference Order issued on March 31, 2015. Employee has also failed to respond to the Show Cause Order issued on June 8, 2015. Employee was warned in the Show Cause Order that a failure to respond may result in the imposition of sanctions, including dismissal of her appeal. Accordingly, I find that Employee has failed to exercise due diligence and take reasonable steps in prosecuting her appeal before this Office.

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:

Arien P. Cannon, Esq.
Administrative Judge

¹ OEA Rule 621.3, 59 DCR 2129 (March 16, 2012).