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THE DISTRICT OF COLUMBIA

BEFORE

THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	
)	OEA Matter No.: J-0022-26
EMPLOYEE, ¹)	
Employee)	
)	Date of Issuance: April 24, 2026
v.)	
)	
D.C. DEPARTMENT OF AGING AND)	NATIYA CURTIS, Esq.
COMMUNITY LIVING,)	Administrative Judge
Agency)	
_____)	
Employee, <i>Pro Se</i>)	
Maggie Hart, Esq., Agency Representative)	

INITIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

On January 2, 2026, Employee filed a Petition for Appeal with the Office of Employee Appeals (“OEA” or “Office”) contesting the District of Columbia Department of Aging and Community Living’s (“Agency” or “DACL”) decision to terminate her from her position as a Transition Care Specialist, during her probationary period, effective December 12, 2025.² OEA issued a letter dated January 6, 2026, requesting that Agency file an Answer on or before February 5, 2026. Agency filed its Answer and Motion to Dismiss on January 23, 2026. This matter was assigned to the undersigned Administrative Judge on January 24, 2026. Thereafter, on January 29, 2026, I issued an Order for Briefs on Jurisdiction, requiring Employee to address the jurisdiction issue raised by Agency in its Answer and Motion to Dismiss. Employee’s brief was due by February 18, 2026. Agency’s response was due by March 11, 2026. Employee did not comply with the prescribed deadline. Accordingly, on February 25, 2026,³ the undersigned issued an Order for Statement of Good Cause to Employee for her failure to submit a response pursuant to the January 29, 2026, Order. Employee was now required to submit her brief on jurisdiction, and statement of good cause to the undersigned and Agency’s representative, by March 11, 2026. On February 27, 2026, Agency filed a Second Motion to Dismiss based on lack of jurisdiction.

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

² Employee’s Petition for Appeal, p. 5 (January 2, 2026) (page numbers not in the original but included for ease of reference).

³ This Order was amended on February 26, 2026, to correct the OEA Matter number. No substantive changes were made.

On March 10, 2026, Employee filed a Motion, requesting an extension.⁴ On March 17, 2026, I issued an order granting Employee's Motion. Employee's brief and statement of good cause were now due by or before April 1, 2026. Employee failed to submit her brief and statement of good cause by April 1, 2026. Accordingly, I issued a second Order for Statement of Good Cause on April 8, 2026, and required Employee to submit her brief and statement of good cause by April 17, 2026. As of the date of this decision, Employee has not responded to the Orders issued on February 25, 2026, and April 8, 2026. The record is now closed.

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:

⁴ Employee emailed the undersigned on March 10, 2026, inquiring as to whether she could represent herself. The undersigned responded to both parties and explained that Employee could represent herself and to familiarize herself with OEA's rules. I additionally advised that if Employee required more time to submit her brief, she must submit a request in writing and mail or hand-deliver it to this Office.

- (a) Appear at a scheduled proceeding after receiving notice;
- (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 proceedings or fails to submit required documents.⁵ Here, Employee was warned in the Orders for Statement of Good Cause issued on February 25, 2026 and April 8, 2026, that failure to comply with the Order could result in sanctions, including dismissal. As of the date of this decision, Employee has not responded or provided a written response to these Orders. 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 find that this matter should be dismissed for failure to prosecute.

ORDER

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

FOR THE OFFICE:

/s/ Natiya Curtis
Natiya Curtis Esq.
Administrative Judge

⁵ See *David Bailey Jr. v. Metropolitan Police Department*, OEA Matter No. 1601-0007-16 (April 14, 2016).