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THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	
)	
CLINTON CURRIE)	OEA Matter No. 1601-0184-09
Employee)	
)	Date of Issuance: August 9, 2010
v.)	
)	Lois Hochhauser, Esq.
DISTRICT OF COLUMBIA PUBLIC SCHOOLS)	Administrative Judge
DIVISION OF TRANSPORTATION)	
Agency)	
_____)	
Clinton Currie, Employee <i>pro se</i>		
Frank McDougald, Esq., Agency Representative		

INITIAL DECISION

INTRODUCTION AND STATEMENT OF FACTS

Clinton Currie, Employee herein, filed a petition with the Office of Employee Appeals (OEA) on August 5, 2009, appealing the final decision of the District of Columbia Public Schools-Division of Transportation, to remove him from his position as a bus driver.

The matter was assigned to me on or about June 2, 2010. I issued an Order on June 22, 2010, scheduling a prehearing conference at 9:30 a.m. on July 13, 2010. In the Order I stated that failure to appear at the scheduled time or to otherwise fail to comply with the Order could result in the dismissal of the petition without further notice. Employee did not appear at the prehearing conference and did not contact me to request that the matter be scheduled. On July 13, 2010, I issued an order directing Employee to show good cause by 4:00 p.m. on July 27, 2010, why his petition should not be dismissed. The parties were notified that unless they were advised to the contrary, the record would close at 4:15 p.m. on July 27, 2010. Employee did not respond. The record was closed on July 27, 2010.

JURISDICTION

The Office has jurisdiction in this matter pursuant to D.C. Official Code §1-606.3 (2001).

ISSUE

Should this petition be dismissed?

FINDINGS OF FACT, ANALYSIS AND CONCLUSIONS

In accordance with OEA Rule 622.3, 46 D.C. Reg. 9313 (1999), this Office has long maintained that a petition for appeal may be dismissed with prejudice when an employee fails to prosecute the appeal. Employee twice failed to comply with Orders issued by the undersigned. Both Orders were sent to Employee by first class mail, postage prepaid, to the address listed by Employee in his petition. Neither Order was returned, and both are presumed to have been received by Employee. The first basis for concluding that Employee failed to prosecute this appeal is based on his failure to attend the prehearing conference. In addition, Rule 622.3 includes the failure to “[s]ubmit required documents after being provided with a deadline for such submission” as a failure to prosecute an appeal. *See, e.g., Employee v. Agency*, OEA Matter No.1602-0078-83, 32 D.C. Reg. 1244 (1985). Employee’s failure to respond to the July 13, 2010 Order is an additional basis to conclude that he failed to prosecute this matter.

ORDER

It is hereby ORDERED that the petition for appeal is DISMISSED.

FOR THE OFFICE:

LOIS HOCHHAUSER, ESQ.
Administrative Judge