

**THE DISTRICT OF COLUMBIA**

**BEFORE**

**THE OFFICE OF EMPLOYEE APPEALS**

_____	)	
In the Matter of:	)	
	)	
Antonio Speaks	)	OEA Matter No. 1601-0028-18
Employee	)	
	)	
v.	)	Date of Issuance: July 2, 2018
	)	
Department of Public Works	)	Joseph E. Lim, Esq.
Agency	)	Senior Administrative Judge
_____	)	
Antonio Speaks, Employee <i>pro se</i>	)	
Tamika Springs, Esq., Agency Representative	)	

**INITIAL DECISION**

PROCEDURAL BACKGROUND AND FINDINGS OF FACT

On February 2, 2018, Antonio Speaks (Employee), a Sanitation Worker, filed a petition for appeal with this Office from Agency's final decision summarily terminating him from Government service effective November 29, 2017, for conduct detrimental to public health, safety or welfare and conduct that constitutes an immediate hazard to the agency, to other District employees.<sup>1</sup> The matter was assigned to the undersigned on April 4, 2018. I issued an Order directing the parties to attend a June 11, 2018, Prehearing Conference and to submit a Prehearing Statement by June 5, 2018. Agency complied, but Employee did not. I issued a Show Cause Order to Employee on June 11, 2018.

Despite prior warnings that failure to comply could result in sanctions, including dismissal; Employee failed to attend the conference, submit a Prehearing Statement, or respond to a Show Cause Order. The record is closed.

JURISDICTION

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

ISSUE

Whether this appeal should be dismissed for failure to prosecute.

\_\_\_\_\_  
1 January 9, 2018, Notice of Final Decision on Summary Removal.

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 the appeal. In this matter, Employee failed to respond to all Orders that I issued. All had specific time frames and both contained warnings that failures to comply could result in penalties, including the dismissal of the petition. The Orders were sent to Employee at the address she listed as her home address in her petition and in her submissions. They were sent by first class mail, postage prepaid and were not returned. They are presumed to have been delivered in a timely manner. *See, e.g., Employee v. Agency*, OEA Matter No.1602-0078-83, 32 D.C. Reg. 1244 (1985).

ORDER

It is hereby ORDERED that the petition in this matter is dismissed for failure to prosecute.

FOR THE OFFICE:

JOSEPH E. LIM, Esq.  
Senior Administrative Judge