

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

In the Matter of:	)	
	)	
Patricia Sparger	)	OEA Matter No. 2401-0052-10
Employee	)	
	)	Date of Issuance: January 23, 2012
v.	)	
	)	Senior Administrative Judge
D.C. Public Schools	)	Joseph E. Lim, Esq.
Agency	)	

Sara White, Esq., Agency Representative  
Patricia Sparger, Employee *pro se*

**INITIAL DECISION**

INTRODUCTION AND PROCEDURAL BACKGROUND

Patricia Sparger, Employee herein, filed a petition with the Office of Employee Appeals (OEA) on October 21, 2009, appealing the decision of the District of Columbia Public Schools, Agency herein, to remove her from her position as counselor, effective November 2, 2009. The matter was assigned to me on or about December 2, 2011.

A prehearing conference was scheduled for December 28, 2011. Ms. White, Agency Representative, appeared in a timely manner. Ms. Sparger did not appear and did not contact OEA to explain her absence. On the same day, I issued an Order asking Employee to show cause for her absence as well as her failure to submit a prehearing statement as earlier ordered. Employee was notified that her submission was due by 4:00 p.m. on January 6, 2012, and that the record would close on that date unless the parties were notified to the contrary. She was further advised that her failure to respond would result in the dismissal of this matter. The Order was sent to the address listed on Employee's petition by first class mail, postage prepaid. It was not returned and is presumed delivered. Employee did not respond to the Order and did not contact the undersigned. The record is closed.

JURISDICTION

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

ISSUE

Should the 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. In this matter, Employee failed to respond to two Orders that I issued. Both 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 subsequent 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).

This petition is being dismissed based on Employee's failure to prosecute her appeal and to comply with properly issued Orders from the undersigned.

ORDER

It is hereby ORDERED that this matter be DISMISSED for failure to prosecute.

FOR THE OFFICE:

Joseph E. Lim, Esq.  
Senior Administrative Judge