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THE DISTRICT OF COLUMBIA

BEFORE

THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	
)	OEA Matter No.: 1601-0287-10
STEPHANIE HILL,)	
Employee)	
)	Date of Issuance: December 6, 2012
v.)	
)	
DISTRICT OF COLUMBIA)	
PUBLIC SCHOOLS (DIVISION OF)	
TRANSPORTATION),)	
Agency)	Sommer J. Murphy, Esq.
_____)	Administrative Judge
Stephanie Hill, Employee, <i>Pro Se</i>		
Frank McDougald, Esq., Agency Representative		

INITIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

On March 26, 2010, Stephanie Hill (“Employee”) filed a Petition for Appeal with the Office of Employee Appeals (“OEA” or “the Office”) contesting the District of Columbia Public School’s (Division of Transportation) (“Agency”) action of terminating her employment based on a urine sample that tested positive for drugs on February 27, 2010. The effective date of Employee’s termination was March 19, 2010.

I was assigned this matter in July of 2012. On July 27, 2012, I issued an Order convening a Status Conference to be held at this Office on August 29, 2012 at 12:00 p.m. Both parties appeared at the conference. I subsequently issued a Post-Status Conference Order requiring the parties to submit written briefs addressing: 1) whether Agency’s action was taken for cause; and 2) whether the penalty of termination was appropriate under the circumstances. Agency submitted its brief on September 25, 2012; however, Employee did not submit a brief. I issued an Order for Statement of Good Cause to Employee on November 14, 2012 because she had failed to submit a brief. Employee was required to submit a statement to establish good cause on or before November 21, 2012. Employee has failed to submit a Statement of Good Cause as of the date of this Initial Decision. The record is now closed.

JURISDICTION

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

ISSUE

Whether Employee's appeal should be dismissed for failure to prosecute.

FINDINGS OF FACT, ANALYSIS, AND CONCLUSIONS OF LAW

OEA Rule 621.3 further provides that "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 or rule for the appellant." Failure of a party to prosecute an appeal includes, but is not limited to.

- (a) Appear at a scheduled proceeding after receiving notice;
- (b) Submit required documents after being provided with a deadline for such submission; or
- (c) Inform this Office of a change of address which results in correspondence being returned.

In this case, Employee was warned that the failure to submit a brief could result in sanctions as enumerated in Rule 621.3. Employee did not submit a brief by the required deadline. Employee also failed to provide a Statement of Good Cause on or before November 21, 2012 to explain her failure to submit a brief. Based on the foregoing, I find that Employee's lack of diligence in pursuing an appeal before OEA constitutes a failure to prosecute and serves grounds for the dismissal of this matter.

ORDER

It is hereby ORDERED that Employee's Petition for Appeal is DISMISSED for failure to prosecute.

FOR THE OFFICE:

SOMMER J. MURPHY, ESQ.
ADMINISTRATIVE JUDGE