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THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:)	
JERMAINE HAWKINS,)	OEA Matter No.: 1601-0087-13
Employee)	
)	Date of Issuance: July 2, 2014
v.)	
)	
DISTRICT OF COLUMBIA PUBLIC SCHOOLS,)	
Agency)	
)	
)	Arien P. Cannon, Esq.
)	Administrative Judge

Jermaine Hawkins, *Pro se*
Carl Turpin, Esq., Agency Representative

INITIAL DECISION

INTRODUCTION AND PROCEDURAL BACKGROUND

Jermaine Hawkins (“Employee”) filed a Petition for Appeal with the Office of Employee Appeals on May 3, 2013, contesting the District of Columbia Public Schools’ (“Agency”) decision to terminate him from his position as a Maintenance Worker. Agency filed its Answer on June 13, 2013. I was assigned this matter in February of 2014.

A Prehearing Conference was convened on June 23, 2014. A notice of the Prehearing Conference was sent to both parties on April 9, 2014. Agency’s representative was present at the Prehearing Conference; however, Employee failed to appear. Accordingly, Employee was issued a Show Cause Order to provide a statement of good cause for failing to appear at the Prehearing Conference. Employee was given until June 30, 2014, to provide a statement of good cause for failing to respond to appear at the Prehearing Conference. To date, Employee has failed to respond to the Show Cause Order. 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 this matter should be dismissed for failure to prosecute.

ANALYSIS AND CONCLUSION

A Prehearing Conference was convened on June 23, 2014. A notice of the Prehearing Conference was sent to both parties on April 9, 2014. Agency's representative was present at the Prehearing Conference; however, Employee failed to appear. Accordingly, Employee was issued a Show Cause Order to provide a statement of good cause for failing to appear at the Prehearing Conference. Employee was given until June 30, 2014, to provide a statement of good cause for failing to respond to appear at the Prehearing Conference. To date, Employee has failed to respond to the Show Cause Order.

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 his/her appeal. 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.¹ Failure of a party to prosecute or defend an appeal includes a failure to submit required documents after being provided with a deadline for such submission. Here, Employee failed to appear at the Prehearing Conference and failed to respond to the Show Cause Order. Employee was warned in the Show Cause Order that a failure to respond may result in the imposition of sanctions, including dismissal of his appeal. Accordingly, I find that Employee has failed to exercise due diligence and take reasonable steps in prosecuting his appeal before this Office.

ORDER

Based on the aforementioned, it is hereby ORDERED that Employee's Petition for Appeal in this matter is DISMISSED for failure to prosecute.

FOR THE OFFICE:

Arien P. Cannon, Esq.
Administrative Judge

¹ OEA Rule 621.3, 59 DCR 2129 (March 16, 2012).