

THE DISTRICT OF COLUMBIA

BEFORE

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:)	
)	
Deirdre Humes)	OEA Matter No. 1601-0184-11
Employee)	
)	Date of Issuance: November 13, 2013
v.)	
)	Senior Administrative Judge
D.C. Public Schools)	Joseph E. Lim, Esq.
Agency)	
)	

Deirdre Humes, Employee *pro se*
Sara White, Esq., Agency Representative

INITIAL DECISION

PROCEDURAL BACKGROUND AND FINDINGS OF FACT

On July 26, 2011, Deirdre Humes (Employee) filed a petition for appeal with this Office from Agency's final decision terminating her from her position as Custodian for receiving a performance rating of "Minimally Effective" for the 2009-2010 and 2010-2011 school year. The matter was assigned to the undersigned judge on or around June 18, 2013. On June 27, 2013, I ordered the parties to submit a prehearing statement and attend a prehearing conference. Employee failed to comply. I issued an Order For Good Cause Statement to Employee. Despite prior warnings that failure to comply could result in sanctions, including dismissal; Employee has failed to respond. 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.

FINDING OF FACTS, 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 returned. However, in defiance of OEA Rule 608.5, 59 DCR 2129 (March 16, 2012), Employee never submitted a change of address in writing. Based on said rule, Employee has waived any right to notice and service, and may result in the appeal being dismissed.

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