

Notice: This decision may be formally revised before it is published in the *District of Columbia Register* and the Office of Employee Appeals’ website. Parties should promptly notify the Office Manager of any formal errors so that this Office can correct them before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

**THE DISTRICT OF COLUMBIA**

**BEFORE**

**THE OFFICE OF EMPLOYEE APPEALS**

_____	)	
In the Matter of:	)	
	)	
CAROLYN S. HILL,	)	
Employee	)	OEA Matter No. 1601-0081-17
	)	
v.	)	Date of Issuance: February 16, 2018
	)	
D.C. OFFICE OF CONTRACTING	)	
& PROCUREMENT,	)	
Agency	)	Eric T. Robinson, Esq.
	)	Senior Administrative Judge
_____	)	
Carolyn S. Hill, Employee <i>Pro-Se</i>		
Tamika Springs, <i>Esq.</i> , Agency Representative		

**INITIAL DECISION**

**INTRODUCTION AND PROCEDURAL HISTORY**

On August 11, 2017, Carolyn S. Hill (“Employee”) filed a Petition for Appeal with the Office of Employee Appeals (“OEA” or the “Office”) contesting the District of Office of Contracting and Procurement (“OCP” or the “Agency”) adverse action of removing her from service. Employee’s last position of record was Administrative Support Specialist. On September 1, 2017, OCP filed an Answer to Employee’s Petition for Appeal. This matter was assigned to the Undersigned on or around October 3, 2017. Due to a serious motorcycle accident requiring hospitalization and an extensive period to recuperate, the Undersigned delayed issuing an Order Convening a Prehearing Conference until December 28, 2017. The Prehearing Conference was set for February 1, 2018. Pursuant to that Order, both parties were required to submit their written Prehearing Statements prior to the conference. Employee failed to appear for the Prehearing Conference and Employee failed to submit her Prehearing Statement. Of note, Agency filed its Prehearing Statement and its representative was present for the Prehearing Conference.

On February 1, 2018, the Undersigned issued an Order for Statement of Good Cause to Employee. According to this Order, Employee was required to explain, in writing, her Prehearing Conference absence and she had to submit her Prehearing Statement. Employee was

required to submit her response no later than February 12, 2018. To date, OEA has not received either a Statement of Good Cause or a Prehearing Statement from Employee.<sup>1</sup> After reviewing the documents of record, the Undersigned has determined that no further proceedings are warranted. The record is now closed.

### JURISDICTION

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

### ISSUE

Whether this matter should be dismissed.

### FINDINGS OF FACT, ANALYSIS AND CONCLUSION

OEA Rule 621.3, *id.*, states as follows:

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 or defend an appeal includes, but is not limited to, a failure 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.

This Office has held that a matter may be dismissed for failure to prosecute when a party fails to submit required documents and when they fail to appear for scheduled proceedings after receiving notice. *See David Bailey Jr. v. Metropolitan Police Department*, OEA Matter No. 1601-0007-16 (April 14, 2016). Here, Employee did not appear for the Prehearing Conference on February 1, 2018, she did not file her Prehearing Statement, and she did not file her Statement of Good Cause. She was required to do all of the above pursuant to the Order Convening a Prehearing Conference dated December 29, 2017, and the Order for Statement of Good Cause dated February 1, 2018. I find that Employee has not exercised the diligence expected of an appellant pursuing an appeal before this Office. I CONCLUDE that this matter should be dismissed due to Employee's failure to prosecute her appeal.

---

<sup>1</sup> The Order for Statement of Good Cause instructed Employee to file her submissions through hard copy by hand or mail delivery while a courtesy copy was supposed to be submitted via electronic mail submission to the Undersigned's work e-mail address. All were required to be submitted so that it would be received on or before the above mentioned deadline.

ORDER

Based on the foregoing, it is hereby ORDERED that this matter be DISMISSED.

FOR THE OFFICE:

---

ERIC T. ROBINSON, Esq.  
Senior Administrative Judge