

THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:)	
)	
Clarissa Lowe)	OEA Matter No. J-0413-10
Employee)	
)	Date of Issuance: January 11, 2012
v.)	
)	Senior Administrative Judge
D.C. Public Schools)	Joseph E. Lim, Esq.
Agency)	

Sarah White, Esq., Agency Representative
Clarissa Lowe, Employee *pro se*

INITIAL DECISION

INTRODUCTION AND FINDINGS OF FACT

Employee was a teacher with Agency. On September 21, 2010, Employee filed an appeal with this Office contesting Agency's excessing of her position. This matter was assigned to the undersigned Judge on September 21, 2011. By order issued on September 21, 2011, Employee was ordered to respond to Agency's motion to dismiss for lack of jurisdiction. Agency alleges that Employee had utilized an exclusive grievance procedure previously negotiated with Employee's union. Employee has not responded. The record is closed.

JURISDICTION

Jurisdiction in this matter had not been established.

ISSUE

Whether this appeal should be dismissed for failure to prosecute.

ANALYSIS AND CONCLUSION

OEA Rule § 625.3, 39 D.C. Reg. 7424 (1992) provides as follows, "If a party fails to prosecute or defend an appeal, the presiding official may dismiss the action with prejudice or rule for the appellant." This Office has consistently held that failure to follow directives from this Office constitutes a failure to prosecute. See, e.g. *Employee v. Agency*, OEA Matter No. 1602-0078-83, 32 D.C. Reg. 1244 (1985) and *Rollins v. District of Columbia Pub. Sch.*, OEA Matter No. J-0086-92, *Opinion and Order on Petition for Review* (Dec. 3, 1990), __ D.C. Reg. __ ().

The employee was warned in each order that failure to comply could result in sanctions including dismissal. The employee never complied. Employee's behavior constitutes a failure to prosecute his appeal and that is sound cause for dismissal.

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