



were due by September 30, 2025. This Office mailed the Order Statement of Good Cause to two different addresses noted in the record. The Order for Statement of Good Cause was returned as undeliverable on October 1, 2025, and October 6, 2025, respectively. On October 7, 2025, an OEA administrator contacted Employee by phone and advised him to update his mailing address with this Office and also emailed him a Change of Contact Information Form. As of the date of this decision, Employee has not responded to the Orders issued on August 22, 2025, and September 19, 2025, and has not updated his mailing address with this Office. 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 Appeal should be dismissed for failure to prosecute.

### BURDEN OF PROOF

OEA Rule 631.1, 6-B DCMR Ch. 600 (December 27, 2021) states:

The burden of proof for material issues of fact shall be by a preponderance of the evidence.

Preponderance of the evidence shall mean: That degree of relevant evidence which a reasonable mind, considering the record as a whole, would accept as sufficient to find a contested fact more probably true than untrue.

OEA Rule 631.2 *id.* states:

For Appeals filed under § 604.1, the employee shall have the burden of proof as to issues of jurisdiction, including timeliness of filing. The agency shall have the burden of proof as to all other issues.

### ANALYSIS AND CONCLUSIONS OF LAW

OEA Rule 624.3, DCMR Ch. 600, et seq (December 27, 2021) grants an Administrative Judge the authority to "...dismiss the action or rule for the appellant" if a party fails to take reasonable steps to prosecute or defend an appeal. 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* (emphasis added); or
- (c) *Inform this Office of a change of address which results in correspondence being returned.* (Emphasis added)

This Office has consistently held that a matter may be dismissed for failure to prosecute when a party fails to appear for scheduled proceedings or fails to submit required documents.<sup>3</sup> Here, Employee was afforded several opportunities to update his mailing address. Further, Employee was provided notice in the Order for Briefs on Jurisdiction issued on August 22, 2025, that failure to comply with the Order could result in sanctions, including dismissal. As of the date of this decision, Employee has not responded to the Orders issued or provided his updated mailing address. Accordingly, I find that Employee has not exercised the diligence expected of an appellant pursuing an appeal before this Office, and Employee's inaction presents a valid basis for dismissing this matter. Consequently, I further find that this matter should be dismissed for failure to prosecute.

ORDER

It is hereby **ORDERED** that the Petition for Appeal in this matter be **DISMISSED** for Employee's failure to prosecute his Appeal.

FOR THE OFFICE:

/s/ Natiya Curtis  
Natiya Curtis Esq.  
Administrative Judge

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<sup>3</sup> See *David Bailey Jr. v. Metropolitan Police Department*, OEA Matter No. 1601-0007-16 (April 14, 2016).