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**THE DISTRICT OF COLUMBIA**  
**BEFORE**  
**THE OFFICE OF EMPLOYEE APPEALS**

In the Matter of:	)	
	)	OEA Matter No.: 2401-0028-12
ESTATE OF WILLIE QUARLES <sup>1</sup> ,	)	
Employee	)	
	)	Date of Issuance: January 14, 2014
v.	)	
	)	
METROPOLITAN POLICE DEPARTMENT,	)	
Agency	)	
	)	
	)	Arien P. Cannon, Esq.
	)	Administrative Judge
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Estate of Willie Quarles, Edwin L. Quarles, <i>Pro se</i>		
Frank McDougald, Esq., Agency Representative		

**INITIAL DECISION**

**INTRODUCTION AND PROCEDURAL BACKGROUND**

Willie Quarles (“Employee”) filed a Petition for Appeal with the Office of Employee Appeals on November 10, 2011, challenging a Reduction-in-Force (“RIF”) conducted by the Metropolitan Police Department (“Agency”). At the time of the RIF, Employee was employed as a Computer Operator. Agency filed its Answer on December 13, 2011. I was assigned this matter on August 9, 2013.

A Telephonic Status Conference was convened on November 4, 2013. During this Telephonic Status Conference, it was determined that this Office’s jurisdiction was in issue. A Jurisdiction Order was issued on November 18, 2013. After an extension of time to file a response to the Jurisdiction Order was granted, Employee’s response became due on or before January 2, 2014. To date, Employee’s Estate has not file a response to the Jurisdiction Order. A Show Cause Order was issued on January 6, 2014, for Employee’s Estate to provide a statement of good cause for failing to respond to the Jurisdiction Order. To date, Employee’s Estate has not responded to the Show Cause Order. The record is now closed.

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<sup>1</sup> Employee deceased while her appeal was pending before this office. Employee’s brother, Edwin L. Quarles, was substituted as the Representative of Employee’s Estate.

## 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 Telephone Status Conference was convened in this matter on November 4, 2013. Subsequently, a Jurisdiction Order was issued, which required Employee's Estate to provide a statement of detailed reason(s) why this Office may exercise jurisdiction over Employee's appeal. After Employee's Estate failed to respond to the Jurisdiction Order, a Show Cause Order was issued, which gave Employee's Estate until January 13, 2014 to respond. As of the date of this decision, no response has been submitted in response to the Jurisdiction or Show Cause Orders.

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. Here, a Jurisdiction Order was issued on November 18, 2013. A Show Cause Order was subsequently issued on January 6, 2014, instructing Employee to provide a statement of good cause for failing to respond to the Jurisdiction Order. To date, Employee has failed to respond to the Jurisdiction and Show Cause Orders. Accordingly, I find that Employee's Estate has failed to exercise due diligence and take reasonable steps in prosecuting Employee's 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:

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Arien P. Cannon, Esq.  
Administrative Judge