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THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the matter of:)	
)	
Jerry Goodwin)	OEA Matter No. J-0131-10
Employee)	
)	Date of Issuance: April 14, 2011
v.)	
)	
D.C. Public Schools)	Administrative Judge
Agency)	Wanda Jackson, Esq.
_____)	
Jerry Goodwin, Employee <i>Pro Se</i>		
Bobbie Hoye, Esq., Agency Representative		

INITIAL DECISION

PROCEDURAL BACKGROUND

Employee filed a petition with the Office of Employee Appeals (“OEA”) on November 4, 2009, appealing the D.C. Public School’s (“Agency”) decision to abolish his position through a Reduction-In-Force (“RIF”). The effective date of Employee’s RIF was August 31, 2009. Employee did not file his appeal with this Office until November 4, 2009. An initial review of Employee’s appeal indicated that this Office may not have jurisdiction over his appeal because his petition was filed beyond the thirty (30) days filing requirement of this Office. Therefore, on January 11, 2011, I issued an Order requiring Employee to address the issue of whether this Office had jurisdiction over his appeal since it appeared that the appeal was untimely filed. Employee was informed that he had the burden of proof regarding the issue of jurisdiction and timeliness of filing. The Employee was further informed that failure to respond to my Order could result in his appeal being dismissed for failure to prosecute. Employee’s response was due by close of business on January 24, 2011. Employee did not respond by the January 24, 2011 deadline and has not responded to date. The record is now closed.

JURISDICTION

The jurisdiction of this Office has not been established

ISSUE

Should this petition for appeal be dismissed?

FINDINGS OF FACT, ANALYSIS AND CONCLUSIONS OF LAW.

OEA Rule Section 622.3, 46 D.C. Reg. 9313 (1999) states that if a party fails to take reasonable steps to prosecute or defend an appeal, the Administrative Judge may dismiss the action or rule for the appellant. Failure to prosecute includes, but is not limited to submitting required documents after being provided with a deadline for such submission. By failing to submit a response to this judge's January 24, 2011 Order, Employee has failed to prosecute his appeal. Thus, this appeal is being dismissed for failure to prosecute.

ORDER

It is hereby ORDERED that the petition for appeal is DISMISSED.

FOR THE OFFICE:

Wanda L. Jackson, Esq.
Administrative Judge