

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: _____)
)
)
EMPLOYEE,¹ _____) OEA Matter No. 1601-0061-25
)
)
v. _____) Date of Issuance: November 3, 2025
)
)
DISTRICT OF COLUMBIA _____)
PUBLIC SCHOOLS, _____) MONICA DOHNJI, Esq.
Agency _____) Senior Administrative Judge
)

Employee, *Pro Se*
Gehrrie Bellamy, Esq., Agency's Representative

INITIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

On August 1, 2025, Employee filed a Petition for Appeal with the Office of Employee Appeals ("OEA" or "Office") contesting the District of Columbia Public Schools' ("Agency" or "DCPS") decision to terminate him from his position as an Attendance Counselor, effective August 1, 2025. Employee was terminated for receiving a final IMPACT rating of 'Minimally Effective' for the 2024-2025 school year ("SY"). OEA issued a Request for Agency's Answer to Employee's Petition for Appeal on August 1, 2025. Agency filed its Motion to Dismiss and Answer to Employee's Petition for Appeal on August 21, 2025.

This matter was assigned to the undersigned on August 22, 2025. Thereafter, on September 10, 2025, I issued an Order scheduling a Status/Prehearing Conference for October 15, 2025. While Agency was present for the October 15, 2025, scheduled conference, Employee did not appear as required. Subsequently, on October 16, 2025, the undersigned issued a Statement of Good Cause to Employee, wherein, Employee was ordered to explain his failure to attend the scheduled October 15, 2025, conference. Employee had until October 30, 2025, to respond to the Statement of Good Cause Order. As of the date of this decision, Employee has not responded to either Order. The record is now closed

JURISDICTION

¹ Employee's name was removed from this decision for the purposes of publication on the Office of Employee Appeals' website.

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 District of Columbia Municipal Regulations (“DCMR”) Ch. 600, et seq (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:

the degree of relevant evidence that a reasonable person, considering the record as a whole, would accept as sufficient to find that a contested fact is more likely to be true than untrue.²

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 (“AJ”) the authority to impose sanctions upon the parties as necessary to serve the ends of justice. The AJ “in the exercise of sound discretion may dismiss the action or rule for the appellant” if a party fails to take reasonable steps to prosecute or defend an appeal.³ 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* (emphasis added);
- (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 consistently held that failure to prosecute an appeal includes a failure to appear at a scheduled proceeding after receiving notice.⁴ Here, Employee was warned in the September 10, 2025, and October 16, 2025, Orders that failure to comply could result in sanctions, including dismissal. Employee did not appear for the scheduled Status/Prehearing Conference. This was required for a proper resolution of this matter on its merits. Wherefor, I find that Employee’s failure to

² OEA Rule § 699.1.

³ OEA Rule 624.3.

⁴ *Williams v. D.C. Public Schools*, OEA Matter No. 2401-0244-09 (December 13, 2010); *Brady v. Office of Public Education Facilities Modernization*, OEA Matter No. 2401-0219-09 (November 1, 2010).

prosecute his appeal is a violation of OEA Rule 624. Accordingly, I further find that Employee has not exercised the diligence expected of an appellant pursuing an appeal before this Office. Therefore, this matter should be dismissed for his failure to prosecute.

ORDER

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

FOR THE OFFICE:

/s/ *Monica N. Dohnji*

MONICA DOHNJI, Esq.
Senior Administrative Judge