

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

In the Matter of:	)	
	)	
LACHONNE STEWART	)	OEA Matter No. 1601-0042-19
Employee	)	
	)	Date of Issuance: January 13, 2020
v.	)	
	)	JOSEPH E. LIM, ESQ.
D.C. DEPARTMENT OF CORRECTIONS	)	Senior Administrative Judge
Agency	)	

Lachonne Stewart, Employee *pro se*  
Conner Finch, Esq., Agency Representative

**INITIAL DECISION**

PROCEDURAL HISTORY

Lachonne Stewart, Employee herein, filed a petition with the Office of Employee Appeals (“OEA”) on March 28, 2019, appealing the decision of the D.C. Department of Corrections (“DOC” or “Agency”) to terminate her from her position as a Senior Correctional Officer. The matter was assigned to me on or about June 7, 2019, after an unsuccessful attempt at mediation. After a postponement requested by the parties, a Prehearing Conference was held on July 26, 2019.

I ordered the parties to submit a legal brief on the issue identified at the conference. Although the Agency Representative complied, Employee failed to do so. On December 3, 2019, I issued an Order asking Employee to show cause for her failure to submit a brief as ordered. Employee was notified that her submission was due by 4:00 p.m. on December 11, 2019, and that the record would close on that date unless the parties were notified to the contrary. Employee was further advised that failure to respond would result in the dismissal of this matter. The Order was sent to the address listed on Employee’s petition by first class mail, postage prepaid. It was not returned and is presumed delivered. More than 16 days later, Employee has not responded to the Order. The record is closed.

JURISDICTION

The Office has jurisdiction in this matter pursuant to D.C. Official Code §1-606.03 (2001).

ISSUE

Should the petition be dismissed?

FINDINGS OF FACT, ANALYSIS AND CONCLUSIONS

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 with prejudice when an employee fails to prosecute the appeal. In this matter, Employee failed to respond to two Orders that I issued. Both had specific time frames and both contained warnings that failures to comply could result in penalties, including the dismissal of the petition. The Orders were sent to Employee at the address she listed as her home address in her petition and in her subsequent submissions. They were sent by first class mail, postage prepaid and were not returned. They are presumed to have been delivered in a timely manner. *See, e.g., Prater v. MPD*, OEA Matter No. 1601-0135-03, *Opinion and Order on Petition for Review* (November 28, 2006), and *Employee v. Agency*, OEA Matter No.1602-0078-83, 32 D.C. Reg. 1244 (1985).

This petition is being dismissed based on Employee's failure to prosecute her appeal and to comply with properly issued Orders from the undersigned.

ORDER

It is hereby ORDERED that this matter is DISMISSED for failure to prosecute.

FOR THE OFFICE:

Joseph E. Lim, Esq.  
Senior Administrative Judge