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THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:	)	
	)	
EMPLOYEE ¹ ,	)	OEA Matter No. 1601-0078-25
	)	
v.	)	Date of Issuance: March 27, 2026
	)	
OFFICE OF THE STATE	)	Monica Dohnji, Esq.
SUPERINTENDENT OF EDUCATION,	)	Senior Administrative Judge
	)	
Agency	)	
	)	

Employee, *Pro Se*
Danielle Ragofsky, Esq., Agency's Representative

INITIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

On September 8, 2025, Employee filed a Petition for Appeal with the Office of Employee Appeals (“OEA” or “Office”) contesting the District of Columbia Office of the State Superintendent of Education’s (“Agency” or “OSSE”) decision to terminate her from her position as a Bus Attendant, effective April 18, 2025. OEA issued a Request for Agency’s Answer to Employee’s Petition for Appeal on September 8, 2025. Agency filed its Response to Employee’s Petition for Appeal on October 6, 2025.

This matter was assigned to the undersigned on October 10, 2025. Thereafter, on October 14, 2025, I issued an Order scheduling a Status/Prehearing Conference for November 5, 2025. Both parties were present at the Status/Prehearing Conference. Thereafter, I issued an Order scheduling a Prehearing Conference for December 10, 2025, with Prehearing Statements due by December 2, 2025. Agency filed a Motion to Reschedule Prehearing Conference on December 4, 2025. The undersigned issued an Order on December 19, 2025, granting Agency’s Motion and rescheduled the Prehearing Conference for January 15, 2026, with Prehearing Statements due by January 8, 2026. Agency filed a second Motion to Reschedule Prehearing Conference on January 6, 2026, due to a scheduling conflict. Accordingly, on January 8, 2026, the undersigned issued an Order granting Agency’s Motion and rescheduled the Prehearing Conference for January 22, 2026,

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

with Prehearing Statements due by January 15, 2026. While Agency submitted its Prehearing Statement as required, Employee did not submit a Prehearing Statement. Additionally, on January 8, 2026, Agency filed a copy of the Discovery Request it served on Employee. On January 12, 2026, Agency refiled its second Motion to Reschedule Prehearing Conference.² Agency refiled its Prehearing Statement on January 14, 2026.

Both parties were present for the January 22, 2026, Prehearing Conference, wherein the undersigned gave Employee a verbal order to submit her Prehearing Statement by February 5, 2026. The undersigned explained that Employee's Prehearing Statement was required for a proper resolution of this matter. Following Employee's failure to submit her Prehearing Statement as ordered, on February 11, 2026, the undersigned issued a Statement of Good Cause to Employee, requiring Employee to explain her failure to submit her Prehearing Statement by February 5, 2026. Employee was also required to submit her Prehearing Statement by the same deadline. Employee had until February 26, 2026, to comply with the February 11, 2026, Order. Following Employee's failure to comply with the directives of the February 11, 2026, Order, on March 9, 2026, the undersigned issued a Second Order for Statement of Good Cause to Employee. Employee had until March 23, 2026, to respond to the Second Order for 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

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.³

OEA Rule § 631.2 *id.* states:

² Because the undersigned had already ruled on Agency's January 6, 2026, second Motion to Reschedule Prehearing Conference, the undersigned did not issue a ruling to the January 12, 2026, filing.

³ OEA Rule § 699.1.

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.⁴ 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.

This Office has consistently held that failure to prosecute an appeal includes a failure to appear at a scheduled proceeding after receiving notice.⁵ Here, Employee was warned in the January 8, 2026, February 11, 2026, and March 9, 2026, Orders that failure to comply could result in sanctions, including dismissal. Employee did not submit a Prehearing Statement, which was required for a proper resolution of this matter on its merits.⁶ Wherefore, I find that Employee’s failure to prosecute her 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 her failure to prosecute.

ORDER

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

FOR THE OFFICE:

/s/ Monica N. Dohnji

MONICA DOHNJI, Esq.
Senior Administrative Judge

⁴ OEA Rule 624.3.

⁵ *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).

⁶ The undersigned confirmed Employee’s address during the January 22, 2026, Prehearing Conference and none of the correspondence mailed from OEA to Employee’s address on record has been returned to OEA.