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

In the Matter of:	)	
	)	OEA Matter No.: 1601-0048-12
GEORGE KOLLIE,	)	
Employee	)	
	)	Date of Issuance: January 14, 2014
v.	)	
	)	
DEPARTMENT OF TRANSPORTATION,	)	
Agency	)	
	)	
	)	Arien P. Cannon, Esq.
	)	Administrative Judge
George Kollie, Employee, <i>Pro se</i>		
Nana Bailey-Thomas, Esq., Agency Representative		

**INITIAL DECISION**

**INTRODUCTION AND PROCEDURAL BACKGROUND**

George Kollie (“Employee”) filed a Petition for Appeal with the Office of Employee Appeals on January 5, 2012, contesting the Department of Transportation’s (“Agency”) fifteen (15) day suspension imposed against Employee. Employee is employed as a Traffic Control Officer with Agency. Agency filed its Answer on February 13, 2012. I was assigned this matter on August 9, 2013.

A Status Conference was convened on November 8, 2013. A Post Status Conference Order was issued on the same date which required the parties to address the issues presented in this matter.<sup>1</sup> Agency’s brief was due on or before November 29, 2013. Employee’s brief was due on or before December 20, 2013. Agency timely submitted its brief on November 29, 2013. To date, Employee has failed to submit his brief in response to the Post Status Conference Order. As such, a Show Cause Order was issued on December 24, 2013, requiring Employee to provide a statement of good cause for failing to response to the Post Status Conference Order. Employee was given until January 3, 2014, to provide a statement of good cause for failing to response to

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<sup>1</sup> The Post Status Conference Order was captioned “Post Prehearing Conference Order.” A Post Status Conference Order and a Post Prehearing Conference Order are used interchangeably.

the Post Status Conference Order. To date, Employee has failed to respond to both the Post Status Conference Order and the Show Cause Order. The record is now closed.

### 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 Status Conference was convened in this matter on November 8, 2013. Subsequently, a Post Status Conference Order was issued, which required the parties to submit briefs on the issues in this case. Agency's brief was due on or before November 29, 2013. Employee's brief was due on or before December 20, 2013. Agency submitted its brief on November 29, 2013. To date, Employee has failed to submit his brief in response to the Post Status Conference Order. A Show Cause Order was issued on December 24, 2013, requiring Employee to provide a statement of good cause for failing to respond to the Post Status Conference Order. Employee was given until January 3, 2014, to provide a statement of good cause for failing to respond to the Post Status Conference Order. To date, Employee has failed to respond to both the Post Status Conference Order and the Show Cause Order.

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 his/her appeal. If a party fails to take reasonable steps to prosecute or defend an appeal, the Administrative Judge, in the exercise of sound discretion, may dismiss the action.<sup>2</sup> Failure of a party to prosecute or defend an appeal includes a failure to submit required documents after being provided with a deadline for such submission. Here, Employee has failed to respond to both the Post Status Conference Order and the Show Cause Order. Employee was warned in both orders that failure to respond may result in the imposition of sanctions. Accordingly, I find that Employee has failed to exercise due diligence and take reasonable steps in prosecuting his appeal before this Office.

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<sup>2</sup> OEA Rule 621.3, 59 DCR 2129 (March 16, 2012).

**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