

**THE DISTRICT OF COLUMBIA**

**BEFORE**

**THE OFFICE OF EMPLOYEE APPEALS**

_____	)	
In the Matter of:	)	
	)	
Ronnie Worrel	)	OEA Matter No. 1601-0113-13
Employee	)	
	)	Date of Issuance: January 27, 2015
v.	)	
	)	Joseph E. Lim, Esq.
D.C. Fire & Emergency Medical Services	)	Senior Administrative Judge
Agency	)	
_____	)	
Ronnie Worrel, Employee <i>pro se</i>		
Corey Argust, Esq., Agency Representative		

**INITIAL DECISION**

PROCEDURAL BACKGROUND AND FINDINGS OF FACT

On July 1, 2013, Employee filed a petition for appeal with this Office from Agency's final decision demoting him and suspending him for 288 hours effective June 3, 2013, due to a conviction by Fire Trial Board on several work related charges. The matter was assigned to the undersigned judge on May 14, 2014. I held a pre-hearing conference on August 22, 2014, and ordered the parties to submit a legal brief on the issues identified. When Employee failed to do so, I issued a Show Cause Order for Employee to respond by November 19, 2014. Again, Employee failed to respond.

Despite prior warnings that failure to comply could result in sanctions, including dismissal; Employee failed to submit any response. I issued a Show Cause Order to Employee asking him to explain his non-compliance. To date, Employee has failed to respond. The record is 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.

ANALYSIS AND CONCLUSION

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 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 he listed as his home address in his petition and in his 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., Employee v. Agency*, OEA Matter No.1602-0078-83, 32 D.C. Reg. 1244 (1985).

ORDER

It is hereby ORDERED that the petition in this matter is dismissed for failure to prosecute.

FOR THE OFFICE:

JOSEPH E. LIM, Esq.  
Senior Administrative Judge