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THE DISTRICT OF COLUMBIA

BEFORE

THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	
)	
EUGENE WALDON,)	
Employee)	OEA Matter No. 1601-0036-12
)	
v.)	Date of Issuance: October 10, 2013
)	
DEPARTMENT OF GENERAL SERVICES,)	
Agency)	
)	
)	Arien Cannon, Esq.
_____)	Administrative Judge
Eugene Waldon, <i>Pro se</i>		
C. Vaughn Adams, Esq., Agency Representative		

INITIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

Eugene Waldon (“Employee”) filed a Petition for Appeal with the Office of Employee Appeals (“OEA” or “Office”) on November 29, 2011, challenging the Department of General Services’ (“Agency”) decision to suspend him for (30) days. At the time of Employee’s suspension, he was a Protective Services Officer. Employee’s thirty (30) day suspension was effective November 15, 2011 to December 27, 2011, which did not include weekends or holidays. This matter was assigned to me on August 9, 2013. A Prehearing Conference was scheduled for September 30, 2013. Agency’s representative was present; however, Employee did not appear. Subsequently, a Show Cause Order was issued which gave Employee until October 7, 2013, to respond and establish good cause for failure to appear at the Prehearing Conference. As of the date of this decision, Employee has not responded to 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

OEA Rule 621.3, 59 DCR 2129 (March 16, 2012) provides that the Administrative Judge, in the exercise of sound discretion, may dismiss an appeal if a party fails to take reasonable steps to prosecute their appeal. Here, a Prehearing Conference was scheduled for September 30, 2013. Agency's representative was present; however, Employee did not appear. A Show Cause Order was issued which required Employee to establish good cause for his failure to appear. Employee was given seven (7) days to respond to the Show Cause Order. To date, Employee has failed to respond to the order. As such, I find that Employee has failed to exercise due diligence and take reasonable steps in prosecuting his appeal before this Office.

ORDER

Accordingly, it is hereby **ORDERED** that Employee's Petition for Appeal in this matter is **DISMISSED** for failure to prosecute.

FOR THE OFFICE:

Arien P. Cannon, Esq.
Administrative Judge

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