

Notice: This decision may be formally revised before it is published in the *District of Columbia Register*. Parties should promptly notify the Administrative Assistant of any formal errors so that this Office can correct them before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

THE DISTRICT OF COLUMBIA

BEFORE

THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	
)	
FERNANDO FIGUEROA, JR.)	
Employee)	
)	OEA Matter No. 1602-0220-97
)	
v.)	Date of Issuance: November 19, 2002
)	
METROPOLITAN POLICE)	
DEPARTMENT)	
Agency)	
_____)	

OPINION AND ORDER
ON
PETITION FOR REVIEW

Employee, a Police Officer, appealed Agency's decision to deny his grievance over his claim for a promotion to Master Patrol Officer. The Administrative Judge dismissed the appeal for Employee's failure to prosecute his appeal and ruled that:

This Office has consistently held that failure to inform this Office of changes in address which results in correspondence informing him of proceedings being returned constitutes a failure to prosecute. . . . Employee failed to notify this Office of the change in his address. This resulted in correspondence informing him of proceedings being returned. It constitutes a failure to prosecute and is grounds for dismissing his appeal.

OEA Rule 609.5 states that “[a]n employee’s failure to . . . advise the Office of change in address shall constitute a waiver of any right to notice and service. . . .” In *Sterling Taylor v. Metropolitan Police Department*, OEA Matter No. 1601-0084-96, *Opinion and Order on Petition for Review*, this Board stated:

Under the Rules of the Office, it is a party’s duty to inform the Office of any change in address. The fact that a party fails to receive a notice, due to his own omission in supplying this information, does not excuse the failure to appear and participate in the appeal proceedings. *Cloude v. District of Columbia Fire Department*, OEA Matter No. 1601-0070-84, *Opinion and Order on Remand from the Courts* (May 20, 1994); *Dorgett v. Department of Consumer & Regulatory Affairs*, OEA Matter No. 1601-0299-94, *Opinion and Order on Petition for Review* (Sept. 29, 1995).

In his Petition for Review, Employee claims that it was the responsibility of OEA to notify him of the need to file a change of address with the Office. We disagree. OEA Rule 609.5 notified him of his duty to keep the Office informed of his mailing address. Not only did Employee not inform the Office, but he also failed to make appropriate mail forwarding arrangements with the U.S. Postal Service. We would expect a significantly greater demonstration of diligence from a law enforcement officer of the Metropolitan Police Department, particularly one seeking promotion to Master Patrol Officer. Employee has not been diligent in pursuing his appeal with this Office. This lack of diligence constitutes a failure to prosecute. Employee’s Petition for Review is denied.

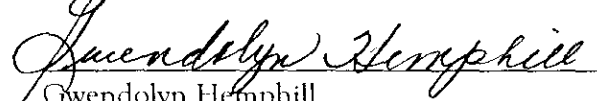
ORDER

Accordingly, it is hereby **ORDERED** that Employee's Petition for
Review is **DENIED**.

FOR THE BOARD:



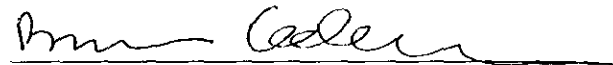
Eriq A. Hyman, Chair



Gwendolyn Hemphill



Horace Kreitzman



Brian Lederer

The initial decision in this matter shall become a final decision of the Office of Employee Appeals 5 days after the issuance of this order. An appeal from a final decision of the Office of Employee Appeals may be taken to the Superior Court of the District of Columbia within 30 days after formal notice of the decision or order sought to be reviewed.