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THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:)	
)	
EMPLOYEE ¹ ,)	OEA Matter No. 1601-0022-25
)	
v.)	Date of Issuance: June 25, 2025
)	
D.C. FIRE AND EMERGENCY)	
MEDICAL SERVICES DEPARTMENT,)	MONICA DOHNJI, Esq.
Agency)	Senior Administrative Judge
)	

Philip Andonian, Esq., Employee's Representative
Connor Finch, Esq., Agency's Representative

INITIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

On January 31, 2025, Employee filed a Petition for Appeal with the Office of Employee Appeals ("OEA" or "Office") contesting the D.C. Fire and Emergency Medical Services Department's ("Agency" or "FEMS") decision to terminate him from his position as a Firefighter Paramedic effective January 18, 2025. OEA issued a Request for Agency's Answer to Employee's Petition for Appeal on February 3, 2025. Agency filed its Answer to Employee's Petition for Appeal on February 26, 2025.

This matter was assigned to the undersigned Senior Administrative Judge ("SAJ") on February 27, 2025. I issued an Order on March 10, 2025, Convening a Status/Prehearing Conference in this matter for April 1, 2025. Both parties were present at the scheduled conference. During the Status/Prehearing Conference, the undersigned was informed that an Adverse Action Panel Hearing was convened in this matter on August 20, 2024, August 21, 2024, and October 24, 2024. As such, OEA's review of this appeal was subject to the standard of review outlined in *Elton Pinkard v. D.C. Metropolitan Police Department*, 801 A.2d 86 (D.C. 2002).

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

Subsequently, on April 1, 2025, I issued a Post Status/Prehearing Conference Order, requiring the parties to submit written briefs. Agency's brief was due by May 6, 2025; Employee's brief was due by June 3, 2025; and Agency had the option to submit a sur-reply by June 17, 2025. On April 30, 2025, Agency filed a Consent Motion to Supplement and Clarify the Administrative Record. Agency timely submitted its brief on May 6, 2025. However, Employee did not submit his brief by the June 3, 2025, deadline. Accordingly, on June 9, 2025, the undersigned issued an Order for Statement of Good Cause wherein, Employee was ordered to explain his failure to respond to the April 1, 2025, Order. Employee had until June 23, 2025, to respond to the Statement of Good Cause Order. As of the date of this decision, Employee has not responded to this 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.²

OEA Rule § 631.2 *id.* states:

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

² OEA Rule § 699.1.

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.³ 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 submit required documents after being provided with a deadline for such submissions.⁴ Here, Employee was warned in the April 1, 2025, and June 9, 2025, Orders that failure to comply could result in sanctions, including dismissal. Employee did not provide a written response to these Orders. These responses were required for a proper resolution of this matter on its merits. Wherefore, I find that Employee’s failure to prosecute his 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 his failure to prosecute.

ORDER

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

FOR THE OFFICE:

/s/ Monica N. Dohnji

MONICA DOHNJI, Esq.
Senior Administrative Judge

³ OEA Rule 624.3.

⁴ *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).