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

_____	)	
In the Matter of:	)	
	)	
PAMELA CREEK	)	OEA Matter No. 2401-0086-05
Employee	)	
	)	Date of Issuance: October 7, 2005
v.	)	
	)	Daryl J. Hollis, Esq.
	)	Senior Administrative Judge
D.C. PUBLIC SCHOOLS (DIVISION	)	
OF TRANSPORTATION)	)	
Agency	)	
_____	)	

Pamela Creck, *Pro se*  
Harriet Segar, Esq., Attorney Advisor

**INITIAL DECISION**

INTRODUCTION AND STATEMENT OF FACTS

On June 14, 2005, Employee, a Bus Driver in the Career Service, filed a petition for appeal from the Division of Transportation's (DCPS-DOT) final decision separating her from Government service pursuant to a reduction-in-force (RIF). However, on June 17, 2005, the Administrator of DCPS-DOT issued a statement canceling the RIF as a result of an agreement reached between his office, the Superintendent of Schools and Employee's Union, Teamster's Local 639.

Shortly after the issuance of the Administrator's cancellation letter, a number of employees similarly situated to the employee herein notified the Office that they had not in fact been separated from service and therefore wished to withdraw their petitions for appeal. Employee did not so inform the Office. Therefore, on July 6, 2005, I sent a letter to Employee asking her to notify the Office of the status of her employment as soon as possible. The letter was sent to Employee's address of record by first class mail. However, on July 20, 2005, the letter was returned to the Office with the following notation: "Return to Sender, Attempted - Not Known, Unable to Forward." 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 matter should be dismissed for failure to prosecute.

### ANALYSIS AND CONCLUSIONS

OEA Rule 622.3, 46 D.C. Reg. 9313 (1999), reads in pertinent part as follows:

If a party fails to take reasonable steps to prosecute . . . an appeal, the Administrative Judge, in the exercise of sound discretion, may dismiss the action. . . . Failure of a party to prosecute . . . an appeal includes, but is not limited to, a failure to:

- (c) Inform this Office of a change of address which results in correspondence being returned.

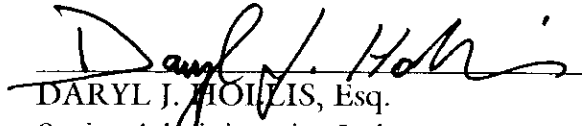
Further, this Office has consistently held that a matter may be dismissed for failure to prosecute when a party fails to inform this Office of a change of address which results in correspondence being returned. *See, e.g., Singleton v. Department of Public and Assisted Housing*, OEA Matter No. 2401-0156-94 (July 7, 1997), \_\_ D.C. Reg. \_\_\_\_ ( ); *Byrd v. Department of Corrections*, OEA Matter No. 2401-0063-02 (October 17, 2003), \_\_ D.C. Reg. \_\_ ( ).

Here, Employee failed to inform the Office of a change of address which resulted in my July 6, 2005 letter to her being returned to the Office. Employee's failure to so inform the Office constitutes a failure to prosecute, and therefore this matter must be dismissed.<sup>1</sup>

ORDER

It is hereby ORDERED that this matter is DISMISSED.

FOR THE OFFICE:

  
DARYL J. HOILIS, Esq.  
Senior Administrative Judge

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<sup>1</sup> Further, there is no requirement that this Office adjudicate a matter that is moot. *See, e.g., Culver v. D.C. Fire Department*, OEA Matter No. 1601-0121-90, *Opinion and Order on Petition for Review* (January 16, 1991), \_\_ D.C. Reg. \_\_\_\_ ( ). This Office has long held that that a matter is moot when "there is no meaningful relief which can be granted." *See, e.g., Bashkar v. Department of Human Services*, OEA Matter No. 2401-0288-97 (January 21, 1999), \_\_ D.C. Reg. \_\_\_\_ ( ); *Bardonille v. Department of Finance and Revenue*, OEA Matter No. 1602-0024-95 (October 29, 1998), \_\_ D.C. Reg. \_\_\_\_ ( ).

It is not subject to genuine dispute that the RIF which seemingly resulted in this employee's separation was canceled prior to its effective date, and that the employee, as well as all of her similarly-situated colleagues, were retained in their positions with no break in service. In a RIF appeal, the sole remedy that this Office can provide is reinstatement with all appropriate back pay and benefits. But in this case such relief would be meaningless since Employee was in all likelihood never separated from service. Based on the record before me, I conclude that this matter is moot and can be dismissed as such.