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THE DISTRICT OF COLUMBIA

BEFORE

THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	
)	
AMIE ANDERSON)	OEA Matter No. J-0403-10
Employee)	
)	Date of Issuance: February 18, 2011
v.)	
)	Lois Hochhauser, Esq.
D.C. CHILD AND FAMILY SERVICES AGENCY)	Administrative Judge
Agency)	
_____)	
Amie Anderson, Employee <i>pro se</i>		
Andrea Comentale, Esq., Agency Representative		

INITIAL DECISION

INTRODUCTION AND STATEMENT OF FACTS

Amie Anderson, Employee herein, filed a petition with the Office of Employee Appeals (OEA) on September 14, 2010, appealing the final decision of the District of Columbia Child and Family Services Agency, Agency herein, to remove her from her position as a Family Support Worker.

The matter was assigned to me on January 10, 2011. I issued an Order on January 19, 2011, directing Employee to respond to two jurisdictional issues: her status as a probationary employee at the time of removal, and the timeliness of her appeal. Her response was due to be filed at OEA by no later than 4:00 p.m. on February 11, 2011. In the Order, Employee was notified that failure to respond to the Order in a timely manner could result in the dismissal of the petition without further notice. Employee was also notified that she had the burden of proof on jurisdictional issues. The parties were advised that the record in this matter would close at 4:15 p.m. on February 11, 2011, unless they were advised to the contrary. Employee did not respond to the Order and did not contact the Administrative Judge or anyone at OEA to request additional time. The record closed, effective 4:15 p.m., on February 11, 2011.

JURISDICTION

The jurisdiction of this Office was not established.

ISSUE

Should this petition be dismissed?

FINDINGS OF FACT, ANALYSIS AND CONCLUSIONS

. OEA Rule 622.3, 46 D.C. Reg. 9313 (1999), provides that a petition for appeal can be dismissed with prejudice if an employee fails to prosecute the appeal. The Rule states, in pertinent part, that the failure to prosecute includes the failure to “[s]ubmit required documents after being provided with a deadline for such submission.” *See, e.g., Employee v. Agency*, OEA Matter No.1602-0078-83, 32 D.C. Reg. 1244 (1985). The January 19, 2011 Order was sent to Employee by first class mail, postage prepaid, to the address listed by Employee as her address effective October 1, 2010. The Order was not returned to this Office, and is presumed to have been received by Employee. Employee did not contact the Administrative Judge or any employee at OEA about the matter. The Administrative Judge finds that Employee failed to comply with the January 19 Order which contained a deadline of February 11, 2011. She further finds that Employee failed to comply with OEA Rule 622.3. Based on the aforesaid findings and analysis, the Administrative Judge concludes that this petition for appeal should be dismissed.

ORDER

It is hereby ORDERED that the petition for appeal is DISMISSED.

FOR THE OFFICE:

LOIS HOCHHAUSER, ESQ.
Administrative Judge