THE DISTRICT OF COLUMBIA

BEFORE

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:	)	
	)	
RYAN GRAYSON,	)	
Employee	)	OEA Matter No. 2401-0038-10
	)	
v.	)	Date of Issuance: January 27, 2012
	)	
DISTRICT DEPARTMENT OF TRANSPORTATION,	)	MONICA DOHNJI, Esq.
Agency	)	Administrative Judge
	)	

Ryan Grayson, Employee *Pro Se*
Nana Bailey-Thomas, Esq., Agency's Representative

INITIAL DECISION

INTRODUCTION AND PROCEDURAL BACKGROUND

On October 14, 2009, Ryan Grayson ("Employee") filed a petition for appeal with the Office of Employee Appeals ("OEA" or "Office") contesting the District Department of Transportation's ("Agency") action of abolishing his position as an Electronic Mechanic through a Reduction-In-Force ("RIF"). The effective date of the RIF was October 30, 2009.

I was assigned this matter on or around November 15, 2011. Thereafter, on November 29, 2011, I issued an Order directing the parties to attend a Prehearing Conference set for January 4, 2012, and to submit a Prehearing Statement by December 20, 2011. The Order specifically noted that if either party did not appear at the Prehearing Conference, sanctions may be imposed pursuant to OEA Rule 622, 46 D.C. Reg. at 9312. Agency complied, but Employee did not.[1] Subsequently, on January 5, 2012, I issued an Order for Statement of Good Cause to Employee. Employee was ordered to submit a statement of cause based on his failure to attend the Prehearing Conference. Employee had until January 26, 2012, to respond. As of the date of this decision, Employee has not responded to this Order.

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.

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[1] Employee submitted his Prehearing Statement on December 18, 2011, but he did not appear for the Prehearing Conference.

ANALYSIS AND CONCLUSION

OEA Rule 622.3, 46 D.C. Reg. at 9313 (1999) provides as follow:

   If a party fails to take reasonable steps to prosecute or defend an appeal, the Administrative Judge, in the exercise of sound discretion, may dismiss the action or rule for the appellant. 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; or
   (c)   Inform this Office of a change of address which results in correspondence being returned.

   This Office has held that a matter may be dismissed for failure to prosecute when a party fails to appear at a scheduled proceeding or fails to submit required documents.[2] Here, Employee was warned in each Order that failure to comply could result in sanctions, including dismissal. Employee did not appear at the Prehearing Conference, and did not provide a written response to my Order for Statement of Good Cause. Both were required for a proper resolution of this matter on its merit. I conclude that Employee has not exercised the diligence expected of an appellant pursuing an appeal before this Office, and that therefore, the matter should be dismissed for his failure to prosecute.

ORDER

   It is hereby **ORDERED** that the petition in this matter is dismissed for Employee's failure to prosecute his Appeal.

FOR THE OFFICE:

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MONICA DOHNJI, Esq.
Administrative Judge

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[2] *Employee v. Agency*, OEA Matter No. 1602-0078-83, 32 D.C. Reg. 1244 (1985); *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).