

**THE DISTRICT OF COLUMBIA**

**BEFORE**

**THE OFFICE OF EMPLOYEE APPEALS**

_____	)	
In the Matter of:	)	
	)	
Patrick Mangan,	)	Matter No. 1601-0058-18
Employee	)	
	)	
v.	)	Date of Issuance:
	)	November 2, 2018
	)	
D.C. Public Schools,	)	Senior Administrative Judge
Agency	)	Joseph E. Lim, Esq.
_____	)	
Patrick Mangan, Employee <i>pro se</i>	)	
Nicole Dillard, Esq., Agency Representative	)	

**INITIAL DECISION**

PROCEDURAL BACKGROUND AND FINDINGS OF FACT

On July 13, 2018, Patrick Mangan (Employee) filed a petition for appeal with this Office (“OEA”) from Agency's final decision terminating him from his position as a Teacher. Employee subsequently resigned before the proposed termination. The matter was assigned to the undersigned judge on or around September 7, 2018.

Based on Agency’s motion to dismiss, I ordered Employee to submit a brief on jurisdiction. When Employee failed to do so, I ordered Employee to show good cause for his failure to respond to the order by October 30, 2018. Again, Employee failed to respond. Despite prior warnings that failure to comply could result in sanctions, including dismissal; Employee has failed to respond. The record is closed.

JURISDICTION

Jurisdiction in this matter has not been established.

ISSUE

Whether this appeal should be dismissed for failure to prosecute.

FINDING OF FACTS, ANALYSIS AND CONCLUSION

In accordance with OEA Rule 621.3, 59 DCR 2129 (March 16, 2012), this Office has long maintained that a petition for appeal may be dismissed when an employee fails to prosecute the appeal. In this matter, Employee failed to respond to all Orders that I issued. All had

specific time frames and both contained warnings that failures to comply could result in penalties, including the dismissal of the petition. The Orders were sent to Employee at the address he listed as his home address in his petition and in his submissions. They were sent by first class mail, postage prepaid and were not returned. They are presumed to have been delivered in a timely manner. *See, e.g., Employee v. Agency*, OEA Matter No.1602-0078-83, 32 D.C. Reg. 1244 (1985).

Accordingly, I find that Employee has not exercised the diligence expected of an appellant pursuing an appeal before this Office. I further find that Employee's failure to prosecute his appeal is a violation of OEA Rule 621. For these reasons, this matter should be dismissed for failure to prosecute.

### ORDER

It is hereby ORDERED that the petition in this matter is dismissed for failure to prosecute.

FOR THE OFFICE:

JOSEPH E. LIM, Esq.  
Senior Administrative Judge