Notice: This decision may be formally revised before it is published in the *District of Columbia Register* and the Office of Employee Appeals' website. Parties should promptly notify the Office of Employee Appeals' Chief Operating Officer of any formal errors so that this Office can correct them before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

THE DISTRICT OF COLUMBIA

BEFORE

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:	)	
	)	
EMPLOYEE,	)	
Employee	)	OEA Matter No. 1601-0102-26
	)	
v.	)	Date of Issuance: November 9, 2026
	)	
DISTRICT OF COLUMBIA PUBLIC SCHOOLS,	)	
Agency	)	Eric T. Robinson, Esq.
	)	Senior Administrative Judge
	)	

Employee, *Pro-Se*
Gehrrie Bellamy, Esq., Agency Representative

INTIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

On August 4, 2026, Employee filed a Petition for Appeal with the Office of Employee Appeals ("OEA" or the "Office") contesting the District of Columbia Public Schools' ("Agency") action of removing him from service. Employee's last position of record was Custodian. His removal was due to two consecutive years of declining performance reviews through Agency's IMPACT personnel assessment tool. By notice dated August 5, 2026, Agency was instructed to file an Answer to Employee's Petition for Appeal by September 4, 2026. Agency timely filed its Answer on September 3, 2026. This matter was assigned to the Undersigned Senior Administrative Judge on September 10, 2026. Later that day, the Undersigned issued an Order Convening a Prehearing/Status Conference which was set for October 14, 2026. Pursuant to this Order, both parties were required to submit a Prehearing Statement by October 7, 2026. Employee did not submit his Prehearing Statement, and he failed to appear for the Prehearing Conference. Of note, Agency timely submitted its Prehearing Statement, and its representative was ready and waiting to proceed for the Prehearing/Status Conference when it was scheduled. Consequently, on October 15, 2026, the Undersigned issued an Order for Statement of Good Cause ("Good Cause Order") to Employee noting that he has not actively participated in this matter by submitting his Prehearing Statement and his failure to appear for the Prehearing Conference as scheduled. Employee's response to the Good Cause Order was due by November 2, 2026. Pursuant to this Order,

Employee was required to submit his missing Prehearing Statement along with his Statement of Good Cause. To date, the OEA has not received anything from Employee. After reviewing the documents of record, the Undersigned has determined that no further proceedings are warranted. 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 matter should be dismissed.

BURDEN OF PROOF

OEA Rule 631.1, 6-B DCMR Ch. 600 (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:
>
> That degree of relevant evidence which a reasonable mind, considering the record as a whole, would accept as sufficient to find a contested fact more probably true than untrue.

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.

FINDINGS OF FACT, ANALYSIS AND CONCLUSIONS OF LAW

Failure to Prosecute

OEA Rule 621.3, *id.*, states as follows:

> 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 for scheduled proceedings or fails to submit required documents.[1] As noted above in this matter, Employee did not submit his Prehearing Statement; he did not appear for the Prehearing/Status conference; and he also failed to file a response to the Undersigned's Order for Statement of Good Cause. Employee's active prosecution of this matter is integral to making an informed decision regarding the facts and circumstances surrounding his Petition for Appeal. 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 inaction presents a valid basis for dismissing the instant matter. Accordingly, I find that I must dismiss this matter due to Employee's failure to prosecute his Petition for Appeal.

ORDER

Based on the foregoing, it is hereby **ORDERED** that this matter be **DISMISSED**.

FOR THE OFFICE: /s/ *Eric T. Robinson*

ERIC T. ROBINSON, Esq.
Senior Administrative Judge

[1] *See David Bailey Jr. v. Metropolitan Police Department*, OEA Matter No. 1601-0007-16 (April 14, 2016).