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THE DISTRICT OF COLUMBIA

BEFORE

THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	
)	OEA Matter No.: 1601-0174-13
DEBORAH INGRAM,)	
Employee)	
)	Date of Issuance: October 24, 2014
v.)	
)	
DISTRICT OF COLUMBIA,)	
PUBLIC SCHOOLS,)	
Agency)	Sommer J. Murphy, Esq.
_____)	Administrative Judge
Deborah Ingram, Employee, Pro Se		
Carl Turpin, Esq., Agency Representative		

INITIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

On September 30, 2013, Deborah Ingram (“Employee”) filed a Petition for Appeal with the Office of Employee Appeals (“OEA”) contesting the District of Columbia Public Schools’ (“Agency” or “DCPS”) action of terminating her employment. Employee, who worked as an Educational Aide, was charged with “conduct during duty hours that would affect adversely the employee’s or the agency’s ability to perform effectively.” Specifically, Employee was terminated following a physical altercation with her colleague. Employee’s termination was effective on August 30, 2013.

I was assigned this matter in June of 2014. On August 29, 2014, I issued an Order Rescheduling a Prehearing Conference to be held at this Office on October 9, 2014 at 3:00 p.m. Agency appeared for the conference; however, Employee did not. I subsequently issued an Order for Statement of Good Cause to Employee because she failed to appear for the Prehearing Conference. Employee was required to submit a statement to establish cause for her failure to appear on or before October 17, 2014. Employee has failed to submit a statement of good cause as of the date of this Initial Decision. The record is now closed.

JURISDICTION

This Office has jurisdiction in this matter pursuant to D.C. Official Code §1-606.03 (2001).

ISSUE

Whether Employee's appeal should be dismissed for failure to prosecute.

FINDINGS OF FACT, ANALYSIS, AND CONCLUSIONS OF LAW

OEA Rule 621.3 further provides that "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 an appeal includes, but is not limited 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.

In this case, Employee was warned that the failure to appear could result in sanctions as enumerated in Rule 621.3. Employee did not appear for the October 9, 2014 Prehearing Conference. Employee also failed to provide a Statement of Good Cause on or before October 17, 2014 to explain her failure to appear.¹ Based on the foregoing, I find that Employee's lack of diligence in pursuing an appeal before OEA constitutes a failure to prosecute and serves grounds for the dismissal of this matter.

ORDER

It is hereby ORDERED that Employee's Petition for Appeal is DISMISSED for failure to prosecute.

FOR THE OFFICE:

SOMMER J. MURPHY, ESQ.
ADMINISTRATIVE JUDGE

¹ On or around October 20, 2014, Employee requested, via telephone, to reschedule the prehearing conference. Employee was informed that verbal motions for extensions of time are not acceptable and that all requests must be submitted in writing. Employee was also informed that the deadline for her Statement of Good Cause had passed.