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**THE DISTRICT OF COLUMBIA**  
**BEFORE**  
**THE OFFICE OF EMPLOYEE APPEALS**

In the Matter of:	)	
	)	
MATTHEW WILLIAMSON	)	OEA Matter No. 1601-0087-08
Employee	)	
	)	Date of Issuance: December 19, 2008
v.	)	
	)	Lois Hochhauser, Esq.
DISTRICT OF COLUMBIA PUBLIC SCHOOLS	)	Administrative Judge
Agency	)	
	)	

Matthew Williamson, Employee  
Sara White, Esq., Agency Representative

**INITIAL DECISION**

INTRODUCTION AND STATEMENT OF FACTS

Employee filed a petition with the Office of Employee Appeals (OEA) on June 2, 2008, appealing Agency's decision to remove him from his position as Computer Lab Coordinator, effective May 9, 2008. At the time of his removal, Employee was in permanent career status.

On October 8, 2008, I issued an Order scheduling the prehearing conference for November 19, 2008. In the Order, I cautioned the parties that failure to attend without good cause shown could result in the imposition of sanctions, including the dismissal of the petition. I also provided the parties with the procedure for requesting a continuance.

Employee did not appear at the prehearing conference and did not contact OEA or Sara White, Agency Representative to request a continuance or delay. Ms. White was present. The Administrative Judge telephoned Employee at the telephone number listed in his petition, and left a voicemail message for him reminding him of the proceeding and asking him to telephone. After an hour, she dismissed Ms. White. On November 20, 2008, I issued an Order directing Employee to show good cause for his absence by December 3, 2008. The parties were advised that the record would close on December 3, 2008 unless they were notified to the contrary. Employee did not respond to the Order or to the telephone

message left to him on November 19, 2008. The Orders were sent by first class mail to the address listed in the petition, and were not returned. They are presumed received by Employee.

JURISDICTION

The Office has jurisdiction in this matter pursuant to D.C. Official Code §1-606.3 (2001).

ISSUE

Should this petition be dismissed?

FINDINGS OF FACT, ANALYSIS AND CONCLUSIONS

This Office has long held that a petition for appeal may be dismissed with prejudice when an employee fails to prosecute the matter. Pursuant to OEA Rule 622.3, 46 D.C. Reg. 9313 (1999), failure to prosecute includes failure to attend scheduled meeting and to file submissions after being provided with filing deadlines. *See, e.g., Employee v. Agency*, OEA Matter No.1602-0078-83, 32 D.C. Reg. 1244 (1985). Employee failed to attend the prehearing conference on November 19, 2008 and failed to respond to the November 20, 2008 Order which had a deadline of December 3, 2008. He did not request an extension of time or a continuance. I conclude that Employee failed to prosecute his appeal and that this petition should therefore be dismissed.

ORDER

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

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FOR THE OFFICE:

\_\_\_\_\_  
LOIS HOCHHAUSER, ESQ.  
Administrative Judge