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THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

| | | |
|---------------------|---|--------------------------------|
| In the Matter of: |) | |
| |) | |
| WANDA PARSON |) | OEA Matter No. 2401-0155-04 |
| Employee |) | |
| |) | Date of Issuance: May 17, 2005 |
| v. |) | |
| |) | Daryl J. Hollis, Esq. |
| |) | Senior Administrative Judge |
| D.C. PUBLIC SCHOOLS |) | |
| <u>Agency</u> |) | |

Wanda Parson, *Pro se*
Harriet Segar, Esq., Agency Representative

INITIAL DECISION

INTRODUCTION AND STATEMENT OF FACTS

On July 15, 2004, Employee, a Music Teacher at Banneker Academic High School, filed a petition for appeal from Agency's final decision separating her from Government service pursuant to a reduction-in-force (RIF).

This matter was assigned to me on March 30, 2005. By Order dated March 31, 2005, I scheduled a Prehearing Conference for May 17, 2005. This notice was sent by first class mail to the employee's address of record, and was not returned to the Office as undelivered. Pursuant to the notice, Employee was required to submit, by the close of business on May 10, 2005, a list of potential witnesses in the event I determined that an

evidentiary Hearing was required. This she did not do. Further, Employee did not appear for the Prehearing. The record is 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 for failure to prosecute.

ANALYSIS AND CONCLUSIONS

OEA Rule 622.3, 46 D.C. Reg. 9313 (1999), reads in pertinent part as follows:

If a party fails to take reasonable steps to prosecute . . . an appeal, the Administrative Judge, in the exercise of sound discretion, may dismiss the action. . . . Failure of a party to prosecute . . . 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. . . .

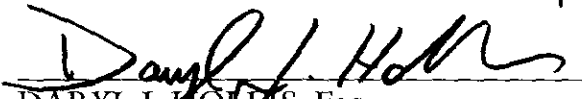
Further, this Office has consistently held that a matter may be dismissed for failure to prosecute when a party fails to appear at a scheduled proceeding or fails to submit required documents. *Sec, e.g., Employee v. Agency*, OEA Matter No. 1602-0078-83, 32 D.C. Reg. 1244 (1985).

Here, Employee did not submit the required Prehearing documents and did not appear for the Prehearing Conference. I conclude that the employee's inactions constitute a failure to prosecute, and that therefore the matter should be dismissed.

ORDER

It is hereby ORDERED that this matter is DISMISSED.

FOR THE OFFICE:


DARYL J. HOLLIS, Esq.
Senior Administrative Judge