

**THE DISTRICT OF COLUMBIA**

**BEFORE**

**THE OFFICE OF EMPLOYEE APPEALS**

_____	)	
In the Matter of:	)	
	)	
Jeffrey Newbold	)	OEA Matter No. 1601-0081-12
Employee	)	
	)	
v.	)	Date of Issuance: September 11, 2014
	)	
Metropolitan Police Department	)	Joseph E. Lim, Esq.
Agency	)	Senior Administrative Judge
_____	)	
Jeffrey Newbold, Employee <i>pro se</i>		
Terrence Ryan, Esq., Agency Representative		

**INITIAL DECISION**

PROCEDURAL BACKGROUND AND FINDINGS OF FACT

On March 20, 2012, Jeffrey Newbold (“Employee”) filed a petition for appeal with this Office from Agency’s final decision suspending him for ten days from his position as Police Sergeant for neglect of duty and insubordination for mishandling a weapon. The matter was assigned to the undersigned judge on or around September 3, 2013. I held a prehearing conference on October 8, 2013, and ordered the parties to submit a legal brief on Employee’s allegation that Agency had violated the 90-day rule on adverse actions. Although Agency complied, Employee failed to do so. On August 18, 2014, I issued an Order For Good Cause Statement to Employee. 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

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

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).

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