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THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:)	
TRACEY THOMPSON,)	OEA Matter No.: 1601-0059-12
Employee)	
)	Date of Issuance: May 7, 2014
v.)	
)	
DEPARTMENT OF PUBLIC WORKS,)	
Agency)	
)	
)	Arien P. Cannon, Esq.
)	Administrative Judge

Angela Pringle, Employee Representative
Corey Argust, Esq., Agency Representative

INITIAL DECISION

INTRODUCTION AND PROCEDURAL BACKGROUND

Tracey Thompson (“Employee”) filed a Petition for Appeal with the Office of Employee Appeals on February 10, 2012, contesting the Department of Public Works’ (“Agency”) decision to remove him from his position as a Motor Vehicle Operator. Agency filed its Answer on March 16, 2012. I was assigned this matter on August 26, 2013.

A Status Conference was convened on February 3, 2014. A Post Status Conference Order was issued on the same date which required the parties to address the issues presented in this matter. Agency’s brief was due on or before February 28, 2014. Employee’s brief was due on or before March 28, 2014. Agency timely submitted its brief. To date, Employee has failed to submit his brief in response to the Post Status Conference Order. As such, a Show Cause Order was issued on April 24, 2014, requiring Employee to provide a statement of good cause for failing to response to the Post Status Conference Order. Employee was given until May 1, 2014, to provide a statement of good cause for failing to response to the Post Status Conference Order. To date, Employee has failed to respond to both the Post Status Conference Order and the Show Cause Order. 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 this matter should be dismissed for failure to prosecute.

ANALYSIS AND CONCLUSION

A Status Conference was convened in this matter on February 3, 2014. Subsequently, a Post Status Conference Order was issued, which required the parties to submit briefs on the issues in this case. Agency's brief was due on or before February 28, 2014. Employee's brief was due on or before March 28, 2014. Agency timely submitted its brief. To date, Employee has failed to submit his brief in response to the Post Status Conference Order. As such, a Show Cause Order was issued on April 24, 2014, requiring Employee to provide a statement of good cause for failing to respond to the Post Status Conference Order. Employee was given until May 1, 2014, to provide a statement of good cause for failing to respond to the Post Status Conference Order. To date, Employee has failed to respond to both the Post Status Conference Order and the Show Cause Order.

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 his/her appeal. 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.¹ Failure of a party to prosecute or defend an appeal includes a failure to submit required documents after being provided with a deadline for such submission. Here, Employee has failed to respond to both the Post Status Conference Order and the Show Cause Order. Employee was warned that failure to respond may result in the imposition of sanctions. Accordingly, I find that Employee has failed to exercise due diligence and take reasonable steps in prosecuting his appeal before this Office.

ORDER

Based on the aforementioned, it is hereby **ORDERED** that Employee's Petition for Appeal in this matter is **DISMISSED** for failure to prosecute.

FOR THE OFFICE:

Arien P. Cannon, Esq.
Administrative Judge

¹ OEA Rule 621.3, 59 DCR 2129 (March 16, 2012).