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THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	
)	OEA Matter No.: 1601-0120-14
ROBERT HILL,)	
Employee)	
)	Date of Issuance: May 19, 2015
v.)	
)	
METROPOLITAN POLICE DEPARTMENT,)	
Agency)	
_____)	
Robert Hill, Employee, <i>Pro se</i>)	Arien P. Cannon, Esq.
Ronald Harris, Esq., Agency Representative)	Administrative Judge

INITIAL DECISION

INTRODUCTION AND PROCEDURAL BACKGROUND

Robert Hill (“Employee”) filed a Petition for Appeal with the Office of Employee Appeals on August 29, 2014, contesting the Metropolitan Police Department’s (“Agency”) decision to suspend him for fifteen (15) days. Agency filed its Answer on October 6, 2014. I was assigned this matter on December 5, 2014.

A Status Conference was convened on February 25, 2015. Both parties were present. Based upon a review of the record and the representations of the parties at the Status Conference, this matter was scheduled for an Evidentiary Hearing on May 29, 2015. A Prehearing Conference was also scheduled for May 6, 2015, in order for the parties to identify potential witnesses and any documents they intended to introduce at the Evidentiary Hearing. Agency’s representative was present at the May 6, 2015 Prehearing Conference. Employee did not appear. Accordingly, a Show Cause Order was issued for Employee to provide a statement of good cause for not appearing at the May 6, 2015, Prehearing Conference. Employee had until May 14, 2015 to respond to the Show Cause Order. To date, Employee has not responded. The record is now closed.

JURISDICTION

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

ANALYSIS AND CONCLUSION

A Prehearing Conference was convened on May 6, 2015. An order scheduling the Prehearing Conference was issued on February 25, 2015. Agency's representative was present at the Prehearing Conference; however, Employee did not appear. Accordingly, Employee was issued a Show Cause Order to provide a statement of good cause for failing to attend the Prehearing Conference. Employee had until May 14, 2015, to respond to the Show Cause Order. To date, Employee has not responded to 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, but is not limited to, failing to appear at a scheduled proceeding after receiving notice and failure to submit required documents after being provided a deadline to file such submission. Here, Employee failed to attend the May 6, 2015 Prehearing Conference and also failed to provide a Prehearing Statement as provided in the Order Convening Prehearing Conference and Evidentiary Hearing. Employee was warned in the Show Cause Order that a failure to respond may result in the imposition of sanctions, including dismissal of his appeal. 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).