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THE DISTRICT OF COLUMBIA

BEFORE

THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	
)	
EMPLOYEE,)	
Employee)	OEA Matter No. 1601-0005-26
)	
v.)	Date of Issuance: February 19, 2026
)	
UNIVERSITY OF THE DISTRICT)	
OF COLUMBIA,)	
Agency)	ERIC T. ROBINSON, ESQ.
)	SENIOR ADMINISTRATIVE JUDGE
_____)	
Employee, <i>Pro-Se</i>)	
Anessa Abrams, Esq., Agency Representative)	

INITIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

On October 20, 2025, Employee filed a Petition for Appeal with the Office of Employee Appeals (“OEA” or the “Office”) contesting the University of the District of Columbia (“Agency”) action of demoting her from her from Human Resources Project Manager to Senior Human Resources Operations Specialist. By notice dated October 9, 2025, Employee was notified of her then pending demotion. By letter dated October 20, 2025, Agency was instructed to file an Answer to Employee’s Petition for Appeal by November 19, 2025. Agency requested an extension of time to file its Answer which was granted by the OEA’s Executive Director. Agency timely filed its Answer and Motion to Dismiss on December 10, 2025. In this submission, Agency submits that OEA cannot exercise jurisdiction over this matter since Employee did not truly suffer a demotion. Agency explains that Employee’s job title was changed but that her rank, salary and tenure were not affected by this action.

This matter was assigned to the Undersigned Senior Administrative Judge on December 10, 2025. On December 16, 2025, the Undersigned issued an Order requiring Employee to address the pending question regarding OEA’s ability to exercise jurisdiction raised by the Agency in its submission. Employee’s response was due by January 5, 2026. Employee did not provide a

response. Consequently, on January 22, 2026, the Undersigned issued an Order for Statement of Good Cause (“Good Cause Order”) to Employee noting that she has not actively participated in this matter by submitting her response pursuant to the Undersigned’s December 16, 2025, Order. Pursuant to the Good Cause Order, Employee was required to explain her failure to submit her response, and she was required to submit the missing response. Employee’s response to the Good Cause Order was due by February 9, 2026. To date, the OEA has not received anything from Employee. After reviewing the documents of record, the Undersigned has determined that no further proceedings are warranted. The record is now 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.

BURDEN OF PROOF

OEA Rule 631.1, 6-B DCMR Ch. 600 (December 27, 2021) states:

The burden of proof for material issues of fact shall be by a preponderance of the evidence. “Preponderance of the evidence” shall mean:

That degree of relevant evidence which a reasonable mind, considering the record as a whole, would accept as sufficient to find a contested fact more probably true than untrue.

OEA Rule 631.2 *id.* States:

For appeals filed under §604.1, the employee shall have the burden of proof as to issues of jurisdiction, including timeliness of filing. The agency shall have the burden of proof as to all other issues.

FINDINGS OF FACT, ANALYSIS AND CONCLUSIONS OF LAW

Failure to Prosecute

OEA Rule 621.3, *id.*, states as follows:

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 or rule for the appellant. Failure of a party to prosecute or defend 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; or
- (c) Inform this Office of a change of address which results in correspondence being returned.

This Office has held that a matter may be dismissed for failure to prosecute when a party fails to appear for scheduled proceedings or fails to submit required documents.¹ As noted above in this matter, Employee did not submit her brief regarding jurisdiction as was required by the Undersigned's order on and December 16, 2025. Employee also failed to file a response to the Undersigned's Order for Statement of Good Cause. Employee's active prosecution of this matter is integral to making an informed decision regarding the facts and circumstances surrounding her Petition for Appeal. I find that Employee has not exercised the diligence expected of an appellant pursuing an appeal before this Office. I further find that Employee's inaction presents a valid basis for dismissing the instant matter. Accordingly, I find that I must dismiss this matter due to Employee's failure to prosecute her petition for appeal.

ORDER

Based on the foregoing, it is hereby **ORDERED** that this matter be **DISMISSED**.

FOR THE OFFICE:

/s/ Eric T. Robinson

ERIC T. ROBINSON, Esq.
Senior Administrative Judge

¹ See *David Bailey Jr. v. Metropolitan Police Department*, OEA Matter No. 1601-0007-16 (April 14, 2016).