

THE DISTRICT OF COLUMBIA

BEFORE

THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	
)	
Sharona Bean Robinson)	OEA Matter No. 1601-0165-11
Employee)	
)	Date of Issuance: November 13, 2013
v.)	
)	Joseph E. Lim, Esq.
D.C. Public Schools)	Senior Administrative Judge
Agency)	

Sharona Bean Robinson, Employee *pro se*
Carl Turpin, Esq., Agency Representative

INITIAL DECISION

PROCEDURAL BACKGROUND AND FINDINGS OF FACT

On August 15, 2011, Sharona Bean Robinson (Employee) filed a petition for appeal with this Office from Agency's final decision terminating her from her position as Attendance Counselor for receiving a performance rating of "Ineffective" for the 2010-2011 school year. The matter was assigned to the undersigned judge on or around March 29, 2013. On April 4, 2013, I ordered the parties to submit a prehearing statement and attend a prehearing conference. Employee failed to comply. Agency submitted a motion to dismiss based on the allegation that Employee had filed a grievance with his union. I issued an Order For Good Cause Statement to Employee. On May 10, 2013, Employee responded that she still intended to pursue her appeal and that her address had not changed.

Thus, on May 17, 2013, I ordered Employee to respond to Agency's motion alleging lack of jurisdiction. Again, Employee failed to respond. I issued a second Order For Good Cause Statement to Employee on August 30, 2013. 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 she listed as her home address in her petition and in her 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