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**THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS**

In the Matter of:)	
)	OEA Matter No.: 1601-0071-25
EMPLOYEE, ¹)	
Employee)	
)	Date of Issuance: November 3, 2025
v.)	
)	
D.C. PUBLIC SCHOOLS,)	NATIYA CURTIS, Esq.
Agency)	Administrative Judge
)	

Employee, *Pro Se*
Lynette Collins, Esq., Agency Representative

INITIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

On August 13, 2025, Employee filed a Petition for Appeal with the Office of Employee Appeals (“OEA” or “Office”) contesting the District of Columbia Public Schools’ (“Agency” or “DCPS”) decision to terminate her from her position as an Educational Aide, effective August 1, 2025, due to a final IMPACT rating of ineffective for the 2024-2025 school year.² OEA issued a letter dated August 13, 2025 requesting Agency file an Answer on or before September 12, 2025. Agency filed its Answer to Employee’s Petition for Appeal as required. This matter was assigned to the undersigned Administrative Judge on August 22, 2025. In Employee’s Petition for Appeal, she noted that she filed a grievance with her union.³ Thus, on August 27, 2025, I issued an Order for Briefs on Jurisdiction, requiring the parties to address whether this Office has jurisdiction over Employee’s Appeal. Employee’s Brief was due September 12, 2025, and Agency’s reply was due September 26, 2025. Employee did not submit her brief as required.

As a result, on September 18, 2025, I issued an Order for Statement of Good Cause, requiring Employee to submit her brief along with a statement of good cause for her failure to submit a response by the deadline required in the September 18, 2025, Order. Employee’s brief and statement of good cause were due September 29, 2025. Employee did not submit her statement and brief as required. On October 9, 2025, I issued a second Order for Statement of Good Cause. Employee’s brief and statement were due by October 20, 2025. Additionally, I emailed the parties

¹ Employee’s name was removed from this decision for the purposes of publication on the Office of Employee Appeals’ website.

² Agency’s Answer to Employee’s Petition for Appeal (August 21, 2025).

³ Employee’s Petition for Appeal (August 13, 2025).

a courtesy copy of the Order for Statement of Good Cause on October 10, 2025. On October 21, 2025, I emailed the parties and inquired whether Employee intended to continue her appeal before this Office. As of the date of this decision, Employee has not responded any of the Orders that were issued or the emails that were sent. 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 Appeal should be dismissed for failure to prosecute.

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.

ANALYSIS AND CONCLUSIONS OF LAW

OEA Rule 624.3, DCMR Ch. 600, et seq (December 27, 2021) grants an Administrative Judge the authority to "...dismiss the action or rule for the appellant" if a party fails to take reasonable steps to prosecute or defend an appeal. 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* (Emphasis added); or
- (c) Inform this Office of a change of address which results in correspondence being returned.

This Office has consistently 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.⁴ Here, Employee was provided notice in both of the Orders for Statement of Good Cause issued on September 18, 2025 and October 9, 2025, respectively, that failure to comply with the Order could result in sanctions, including dismissal. As of the date of this decision, Employee has not responded or provided a written response to the Orders issued in this matter. Employee's response was required to make an informed decision regarding the resolution of this matter. Accordingly, I find that Employee has not exercised the diligence expected of an appellant pursuing an appeal before this Office, and Employee's inaction presents a valid basis for dismissing this matter. Consequently, I further find that this matter should be dismissed for failure to prosecute.

ORDER

It is hereby **ORDERED** that the Petition for Appeal in this matter be **DISMISSED** for Employee's failure to prosecute her Appeal.

FOR THE OFFICE:

/s/ Natiya Curtis
Natiya Curtis Esq.
Administrative Judge

⁴ See *David Bailey Jr. v. Metropolitan Police Department*, OEA Matter No. 1601-0007-16 (April 14, 2016).