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

_____	)	
In the matter of:	)	
	)	
Lance Major	)	OEA Matter No. J-0075-10
Employee	)	
	)	Date of Issuance: February 22, 2011
v.	)	
	)	
Dept. of Parks and Recreation	)	Administrative Judge
Agency	)	Wanda Jackson, Esq.
_____	)	
Ben Butler, Employee Representative		
Andrea Comentale, Esq., Agency Representative		

**INITIAL DECISION**

PROCEDURAL BACKGROUND

Employee filed a petition with the Office of Employee Appeals (“OEA”) on October 23, 2009, appealing the Department of Parks and Recreation’s (“Agency”) decision to remove him from his temporary appointment effective August 21, 2009. An initial review of Employee’s appeal indicated that this Office may not have jurisdiction over Employee’s appeal because he was serving in a temporary appointment. Therefore, on December 30, 2010, I issued an Order requiring Employee to address the issue of whether this Office had jurisdiction over his appeal. Employee was informed that he had the burden of proof regarding the issue of jurisdiction. The Employee was further informed that failure to respond to my Order could result in his appeal being dismissed for failure to prosecute. Employee’s response was due by close of business on January 14, 2011. Employee did not respond by the January 14, 2011 deadline and has not responded to date. The record is now closed.

JURISDICTION

The jurisdiction of this Office has not been established

ISSUE

Should this petition for appeal be dismissed?

FINDINGS OF FACT, ANALYSIS AND CONCLUSIONS OF LAW.

OEA Rule Section 622.3, 46 D.C. Reg. 9313 (1999) states that if a party fails to take reasonable steps to prosecute or defend an appeal, the Administrative Judge may dismiss the action or rule for the appellant. Failure to prosecute includes, but is not limited to submitting required documents after being provided with a deadline for such submission. By failing to submit a response to this judge's December 30, 2010 Order, Employee has failed to prosecute his appeal. Thus, this appeal is being dismissed for failure to prosecute.

ORDER

It is hereby ORDERED that the petition for appeal is DISMISSED.

FOR THE OFFICE:

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Wanda L. Jackson, Esq.  
Administrative Judge