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

In the Matter of:	)	
	)	
EMPLOYEE, ¹	)	OEA Matter No.: 1601-0071-26
Employee	)	
	)	
v.	)	Date of Issuance: September 21, 2026
	)	
D.C. DEPARTMENT OF CORRECTIONS,	)	NATIYA CURTIS, Esq.
	)	
Agency	)	Administrative Judge
	)	

Employee, *Pro Se*
Madeline Terlap, Esq., Agency Representative

INITIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

On May 29, 2026, Employee filed a Petition for Appeal with the Office of Employee Appeals (“OEA” or “Office”) contesting the District of Columbia Department of Corrections’ (“Agency” or “DOC”) decision to terminate him from his position as a Correctional Officer, effective April 24, 2026. The removal action was for conduct prejudicial to the District Government: unauthorized disclosure or use of (or failure to safeguard) information protected by statute or regulation or other official, sensitive, or confidential information; false statements or records: misrepresentation, falsification or concealment of material facts or records in connection with an official matter, including investigations; failure or refusal to follow instructions: deliberate or malicious refusal to comply with rules regulations, written procedures, or proper supervisory instructions.² OEA issued a letter dated June 1, 2026, requesting that Agency file an Answer on or before July 1, 2026. Agency filed its Answer to Employee’s Petition for Appeal on July 1, 2026. This matter was assigned to the undersigned Administrative Judge on July 2, 2026. On July 15, 2026, I issued an Order Convening a Prehearing Conference for August 19, 2026.³

Employee did not appear for the Prehearing Conference as required. Accordingly, on August 21, 2026, I issued an Order for Statement of Good Cause to Employee, requiring Employee to provide a statement of good cause for his failure to appear at the Prehearing

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, Tab 1 (July 1, 2026)(citing DPM §1607.2(a)(10), (b)(2), and (d)(2)).

³ Prehearing Statements were due by August 12, 2026. Agency submitted its Prehearing Statement on August 11, 2026. Employee did not submit a Prehearing Statement.

Conference. Employee's statement was due by August 31, 2026. As of the date of this decision, Employee has not responded to the Order issued on August 21, 2026 or submitted his statement of good cause. The undersigned has determined that an Evidentiary Hearing is not 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 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 the Order for Statement of Good Cause issued on August 21, 2026, 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 August 21, 2026, Order. Employee's response was required to make an informed decision regarding the resolution of this matter. Accordingly, I find that 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 this matter be **DISMISSED** for Employee's failure to prosecute.

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).