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THE DISTRICT OF COLUMBIA

BEFORE

THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	
)	
SHELLEY WOODSON-CORLEY,)	
Employee)	OEA Matter No. 1601-0136-11
)	
v.)	Date of Issuance: October 28, 2011
)	
D.C. PUBLIC SCHOOLS,)	MONICA DOHNJI, Esq.
Agency)	Administrative Judge
_____)	
Shelley Woodson-Corley, Employee, <i>pro se</i>)	
Bobbie L. Hoyer, Esq., Agency Representative)	

INITIAL DECISION

INTRODUCTION AND PROCEDURAL BACKGROUND

On July 19, 2011, Shelley Woodson-Corley (“Employee”) filed a petition for appeal with the Office of Employee Appeals (“OEA”) contesting the D.C. Public Schools’ (“Agency”) decision to terminate her as a result of a process known as “equalization.” On May 6, 2011, Employee received a letter advising her of Agency’s decision to remove her position from the staffing plan effective June 2010. On August 9, 2011, Agency transferred Employee to the position of Guidance Counselor at Roosevelt STAY. Subsequently, Employee signed, faxed and also hand delivered the transfer letter to Agency’s Office of Human Resources accepting the new position.¹ Agency was notified on July 22, 2011, of Employee’s petition for appeal and on August 19, 2011, Agency filed an answer to the appeal noting that Employee is “currently an active employee” with Agency and therefore, OEA lacks jurisdiction to hear this appeal.

This matter was assigned to me on or around September 21, 2011. On October 11, 2011, I issued an Order requiring Employee to address the issue of whether this Office has jurisdiction over her appeal. Subsequently, Employee made several calls to this Office inquiring as to what she needs to submit in response to the Order. I advised Employee to seek counsel if she was unsure as to what she was required to submit in response to the Order. Pursuant to an email to the undersigned from Employee on October 21, 2011, I advised Employee that failure to timely respond to the Order may lead to a dismissal of her appeal. Agency’s representative was copied in this email, and I advised

¹ Employee in an email to Margaret Olivier (DCPS-OHR) acknowledged receipt of the transfer letter and acceptance of the new position. See Agency’s Answer at Tab 4.

Employee to copy Agency's representative in any future communications to this Office regarding this matter. Thereafter, via another email dated October 21, 2011, Employee withdrew her appeal noting that she is still employed with Agency. Subsequently, I requested that Employee fax a signed copy of her withdrawal by close of business October 25, 2011.² As of today's date, Employee has not complied. The record is now closed.

JURISDICTION

The jurisdiction of this Office, pursuant to *D.C. Official Code, § 1-606.03 (2001)*, has not been established.

ISSUE

Whether this appeal should be dismissed.

ANALYSIS AND CONCLUSION

OEA Rule 622.3, 46 D.C. Reg. at 9313 (1999) provides as follow:

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.

Here, by failing to submit a signed withdrawal notice to this Office by the October 25, 2011, deadline, Employee has failed to prosecute her appeal. Thus, this matter should be dismissed for her failure to prosecute.

ORDER

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

FOR THE OFFICE:

MONICA DOHNJI, Esq.
Administrative Judge

² This request was sent via email on October 24, 2011, at approximately 2:40pm to Employee. Agency's representative was copied on the email.