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THE DISTRICT OF COLUMBIA

BEFORE

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:)	
)	
CHARLENE GILLIS)	OEA Matter No. 1601-0054-05
Employee)	
)	Date of Issuance: February 3, 2006
v.)	
)	Lois Hochhauser, Esq.
D.C. PUBLIC SCHOOLS)	Administrative Judge
Agency)	

Charlene Gillis, Employee *pro se*
Harriet Segar, Esq., Agency Representative

INITIAL DECISION

INTRODUCTION AND STATEMENT OF FACTS

Employee filed a petition for appeal with the Office of Employee Appeals (OEA) on May 20, 2005, appealing the Agency's decision to remove her from her position as a Food Service Work Leader. At the time of the removal, Employee was in a permanent career status.

On November 9, 2005, this Administrative Judge issued an Order advising Employee that the jurisdiction of this Office was at issue because the information provided by Employee and Agency indicated that Employee had filed an appeal under the negotiated agreement prior to filing her petition with OEA. Employee was advised that she had the burden of proof on this issue and was provided with a copy of this Office's Rules. Employee was directed to submit legal and/or factual arguments in support of her position regarding this Office's jurisdiction. She was notified that the matter would be dismissed if she failed to respond to the Order. Finally, the parties were advised that unless they were notified to the

contrary, the record would close on November 30, 2005. Employee did not respond to the Order and the record closed on November 30.

JURISDICTION

This Office's jurisdiction was not established.

ISSUE

Should this matter be dismissed?


ANALYSIS AND CONCLUSION

A petition for appeal may be dismissed with prejudice when a party fails to prosecute the appeal pursuant to OEA Rule 622.3, 46 D.C. Reg. 9313 (1999). According to this Rule, failure to prosecute includes the failure to "[s]ubmit required documents after being provided with a deadline for such submission." Failure to respond to an Order from an Administrative Judge constitutes a failure to prosecute. *See, e.g., Employee v. Agency*, OEA Matter No. 1602-0078-83, 32 D.C. Reg. 1244 (1985). Employee was directed to respond to the Order by November 30, 2005. She did not respond, and did not contact the Administrative Judge to request any additional time, despite being notified that her failure to respond to the Order would result in the dismissal of this appeal. The Administrative Judge concludes that Employee has failed to prosecute this appeal and that therefore this petition will be dismissed.

ORDER

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

FOR THE OFFICE:



LOIS HOCHHAUSER, Esq.
Administrative Judge