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**THE DISTRICT OF COLUMBIA**

**BEFORE**

**THE OFFICE OF EMPLOYEE APPEALS**

_____	)	
In the Matter of:	)	
	)	OEA Matter No.: 1601-0009-13
ASHLEY GREEN,	)	
Employee	)	
	)	Date of Issuance: April 9, 2014
v.	)	
	)	
D.C. DEPARTMENT OF CORRECTIONS,	)	
Agency	)	
	)	
	)	Arien P. Cannon, Esq.
_____	)	Administrative Judge
Ashley Green, Employee, <i>Pro se</i>		
Eric Huang, Esq., Agency Representative		

**INITIAL DECISION**

**INTRODUCTION AND PROCEDURAL BACKGROUND**

Ashley Green (“Employee”) filed a Petition for Appeal with the Office of Employee Appeals (“OEA” or “Office”) on October 11, 2012, challenging the Department of Corrections’ (“Agency”) decision to remove her from her position as a Correctional Officer. Agency filed its Answer on November 8, 2012. I was assigned this matter on August 9, 2013.

A Status Conference Order was issued on January 27, 2014, wherein, a Status Conference was scheduled for March 26, 2014. Agency’s representative was present; however, Employee did not appear. A Show Cause Order was issued the same day, which required Employee to provide a statement of good cause for failing to appear at the Status Conference. Employee had until April 2, 2014, to respond to this Order. To date, Employee has not responded to the Show Cause Order. The record is now closed.

**JURISDICTION**

This Office has jurisdiction in this matter pursuant to D.C. Official Code § 1-606.03 (2001).

## ISSUE

Whether this matter should be dismissed for failure to prosecute.

## ANALYSIS AND CONCLUSION

A Status Conference Order was issued to both parties on January 27, 2014, wherein, a Status Conference was scheduled for March 26, 2014. On February 5, 2014, the Status Conference Order sent to Employee's address of record was returned to this Office marked, "Return to Sender...Unable to Forward." The Status Conference was convened on March 26, 2014. Agency's representative was present; however, Employee did not appear. Thereafter, a Show Cause Order was issued which required Employee to provide a statement of good cause for failing to appear at the Status Conference. Employee had until April 2, 2014 to respond to the Show Cause Order. The Show Cause Order stated that failure to respond to the order may result in the imposition of sanctions pursuant to OEA Rule 621, including dismissal of Employee's appeal.<sup>1</sup> To date, Employee has not responded to the Show Cause Order.

In accordance with OEA Rule 621.3, this Office has long maintained that a Petition for Appeal may be dismissed when an employee fails to prosecute his/her appeal. 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.<sup>2</sup> Failure of a party to prosecute an appeal includes failure to appear at a scheduled proceeding after receiving notice.<sup>3</sup> Failure to prosecute also includes failing to inform this Office of a change of address which results in correspondence being returned.<sup>4</sup> Here, it is apparent that Employee failed to inform this Office of a change of address. The Status Conference Order, which was issued on January 27, 2014, was returned to this Office marked, "Return to Sender...Unable to Forward." As a result of Employee's failure to inform this Office of her change of address, she did not receive the Status Conference Order and did not appear for the Status Conference. Accordingly, I find that Employee has failed to exercise due diligence and take reasonable steps in prosecuting her appeal before this Office.

## ORDER

Based on the aforementioned, it is hereby **ORDERED** that Employee's Petition for Appeal in this matter is **DISMISSED** for failure to prosecute.

FOR THE OFFICE:

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Arien P. Cannon, Esq.  
Administrative Judge

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<sup>1</sup> OEA Rule 621, 59 DCR 2129 (March 16, 2012).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*