

THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:	)	
	)	OEA Matter No.: J-0072-26
EMPLOYEE ¹ ,	)	
Employee	)	
	)	Date of Issuance: August 14, 2026
v.	)	
	)	
DISTRICT OF COLUMBIA DEPARTMENT OF	)	MICHELLE R. HARRIS, ESQ.
YOUTH REHABILITATION SERVICES,	)	Senior Administrative Judge
Agency	)	
	)	
	)	
Employee, <i>Pro Se</i>	)	
Zita Oriji, Esq., Agency Representative	)	

INITIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

On June 1, 2026, Employee filed a Petition for Appeal with the Office of Employee Appeals (“OEA” or “Office”) contesting the District of Columbia Department of Youth Rehabilitation Services’ (“Agency” or “DYRS”) decision to remove him from service. Following a letter from OEA dated June 2, 2026, requesting an Answer in this matter, Agency filed its Answer and Motion to Dismiss on July 2, 2026. Agency noted in its Answer and Motion to Dismiss that OEA lacks jurisdiction over this matter. Agency cited that Employee’s position was classified as Management Supervisory Service (“MSS”) at the time of his termination and MSS employees do not have appeal rights before this Office. Further, Agency noted that Employee also made claims for payment of unpaid wages, which is not within OEA’s jurisdiction. This matter was assigned to the undersigned Senior Administrative Judge (“AJ”) on July 2, 2026.

On July 7, 2026, I issued an Order requiring the parties to submit briefs addressing the jurisdiction issue raised by Agency. Employee's brief was due by or before July 27, 2026, and Agency's brief was due by or before August 10, 2026. Employee did not submit his brief by the prescribed deadline. Consequently, on July 28, 2026, I issued an Order for Statement of Good Cause to Employee. Employee was ordered to submit his brief and a statement regarding his failure to submit the brief by the July 27, 2026, deadline. Employee's brief and statement of good cause were due by

¹ Employee's name was removed from this decision for the purposes of publication on the Office of Employee Appeals' website.

or before August 10, 2026. As of the date of this decision, Employee has not submitted a response as required. 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 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 states in relevant part that “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.”²
(Emphasis Added)

This Office has consistently held that failure to prosecute an appeal includes a failure to submit required documents after being provided with a deadline to comply with such orders.³ In the instant matter, Employee was provided notice in the July 7, 2026, and July 28, 2026, Orders that a failure to comply could result in sanctions, including dismissal. Additionally, all Orders were sent via postal

² OEA Rule 624.3, 6-B DCMR Ch. 600 (December 27, 2021).

³ *Williams v. D.C. Public Schools*, OEA Matter 2401-0244-09 (December 13, 2010); *Brady v. Office of Public Education Facilities Modernization*, OEA Matter No. 2401-0219-09 (November 1, 2010).

mail service to the address provided by Employee in his Petition for Appeal. Employee's response to each of these orders were required to ensure an appropriate review and resolution of the matter. Accordingly, I find that Employee has not exercised the diligence expected of an appellant pursuing an appeal before this Office. I further find that Employee's failure to prosecute his appeal is a violation of OEA Rule 624.3. For these reasons, I have determined that this matter should be dismissed for Employee's failure to prosecute.

ORDER

It is hereby **ORDERED** that the Petition in this matter is **DISMISSED** for failure to prosecute.

FOR THE OFFICE:

/s/ Michelle R. Harris
MICHELLE R. HARRIS, ESQ.
Senior Administrative Judge