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THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	
)	
SONIA FAILS,)	
Employee)	OEA Matter No. 1601-0048-09
)	
v.)	Date of Issuance: December 24, 2009
)	
METROPOLITAN POLICE)	
DEPARTMENT,)	
Agency)	ERIC T. ROBINSON, Esq.
)	Administrative Judge
_____)	

Sonia Fails, Employee *Pro-Se*
Teresa Quon Hyden, Esq., Agency Representative

INITIAL DECISION

INTRODUCTION AND PROCEDURAL BACKGROUND

On November 24, 2008, Sonia Fails (“Employee”) filed a Petition for Appeal with the Office of Employee Appeals (“OEA” or (“the Office”) contesting the District of Columbia Metropolitan Police Department (“the Agency”) adverse action of suspending her for 15 days. This matter was initially assigned to Administrative Judge Muriel Aikens-Arnold. However, on September 22, 2009, the above-captioned matter was reassigned to the undersigned Administrative Judge. After reviewing the documents of record, I elected to convene a Status Conference, which was set for December 8, 2009.

On the morning of December 8, 2009, the Agency Representative and I were present and ready to proceed with the scheduled Status Conference. However, Employee did not appear. I then called Employee. We had a brief conversation during which, among other things, I admonished her to come to the Office immediately in order that the Status Conference may commence. Ultimately, Employee declined my offer and

verbally indicated that she did not wish to proceed any further with her petition for appeal. I then advised Employee that in order for her withdrawal to be effective, she had to submit it in writing. After waiting several days, Employee did not submit a letter of withdrawal to the OEA. Accordingly, on December 11, 2009, I issued an Order for Statement of Good Cause so that Employee could explain her failure to appear for the aforementioned Status Conference. The deadline for submitting her Statement of Good Cause has passed. To date, this Office has not received her response. I have determined that no additional proceedings are necessary. The record is now closed.

JURISDICTION

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

ISSUE

Should this matter be dismissed because of Employee's failure to prosecute her petition for appeal?

FINDINGS OF FACT, ANALYSIS AND CONCLUSION

OEA Rule 622.3, 46 D.C. Reg. 9313 (1999), reads in pertinent part as follows:

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...

This Office has consistently held that a matter may be dismissed for failure to prosecute when a party fails to appear at a scheduled proceeding or fails to submit required documents. *See, e.g., Employee v. Agency*, OEA Matter No. 1602-0078-83, 32 D.C. Reg. 1244 (1985). Here, the Employee did not appear at the scheduled Status Conference nor did she respond to my Order for Statement of Good Cause. Both were required according to various Orders that I have issued in this matter. I conclude that the Employee has not exercised the diligence expected of a petitioner pursuing an appeal before this Office and that this matter should be dismissed for her failure to prosecute.

ORDER

It is hereby ORDERED that this matter be DISMISSED.

FOR THE OFFICE:

Eric T. Robinson, Esq.
Administrative Judge