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THE DISTRICT OF COLUMBIA

BEFORE

THE OFFICE OF EMPLOYEE APPEALS

| | | |
|---|---|------------------------------------|
| _____ |) | |
| In the Matter of: |) | |
| |) | OEA Matter No.: 1601-0221-12 |
| MARIA DEL CAZ ESTESO, |) | |
| Employee |) | |
| |) | Date of Issuance: January 22, 2014 |
| v. |) | |
| |) | |
| D.C. PUBLIC SCHOOLS, |) | |
| Agency |) | Sommer J. Murphy, Esq. |
| _____ |) | Administrative Judge |
| Maria Del Caz Estesos, Employee | | |
| Sara White, Esq., Agency Representative | | |

INITIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

On August 24, 2012, Maria Del Caz Estesos (“Employee”) filed a Petition for Appeal with the Office of Employee Appeals (“OEA”) contesting the District of Columbia School Systems’ (“Agency”) action of terminating her employment. Employee worked as a teacher at Columbia Heights Education Campus prior to her termination. The effective date of Employee’s termination was August 10, 2012.

I was assigned this matter in November of 2013. On November 25, 2013, I issued an Order convening a Prehearing Conference to be held at this Office on January 9, 2014 at 12:00 p.m. Agency appeared for the conference; however, Employee did not. I subsequently issued an Order for Statement of Good Cause to Employee because she failed to appear for the Prehearing Conference. Employee was required to submit a statement to establish cause for her failure to appear on or before January 16, 2014. Employee has failed to submit a statement of good cause as of the date of this Initial Decision. 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 Employee's appeal should be dismissed for failure to prosecute.

FINDINGS OF FACT, ANALYSIS, AND CONCLUSIONS OF LAW

OEA Rule 621.3 further provides 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 an appeal includes, but is not limited 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.

In this case, Employee was warned that the failure to appear could result in sanctions as enumerated in Rule 621.3. Employee did not appear for the January 9, 2014 Prehearing Conference. Employee also failed to provide a Statement of Good Cause on or before January 16, 2014 to explain her failure to appear. Based on the foregoing, I find that Employee's lack of diligence in pursuing an appeal before OEA constitutes a failure to prosecute and serves grounds for the dismissal of this matter.

ORDER

It is hereby ORDERED that Employee's Petition for Appeal is DISMISSED for failure to prosecute.

FOR THE OFFICE:

SOMMER J. MURPHY, ESQ.
ADMINISTRATIVE JUDGE