

Notice: This decision may be formally revised before publication in the District of Columbia Register. Parties should promptly notify the Office Manager of any formal errors so that this Office can correct them before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

**THE DISTRICT OF COLUMBIA**

**BEFORE**

**THE OFFICE OF EMPLOYEE APPEALS**

_____	)	
In the matter of:	)	
	)	
Cheryl Cook	)	OEA Matter No. J-0060-10
Employee	)	
	)	Date of Issuance: December 17, 2010
v.	)	
	)	
Dept. of Health Care Finance	)	Administrative Judge
Agency	)	Wanda Jackson, Esq.
_____	)	
Cheryl Cook, Employee, <i>Pro Se</i>		
Julie Hudman, Director		

**INITIAL DECISION**

PROCEDURAL BACKGROUND

Employee filed a petition with the Office of Employee Appeals (“OEA”) on October 22, 2009, appealing the Department of Health Care Finance’s (“Agency”) decision to remove her from her temporary appointment effective September 30, 2009. An initial review of Employee’s appeal indicated that this Office may not have jurisdiction over Employee’s appeal because she was serving in a temporary appointment. Therefore, on October 27, 2010, I issued an Order requiring Employee to address the issue of whether this Office had jurisdiction over her appeal. Employee was informed that she had the burden of proof regarding the issue of jurisdiction. The Employee was further informed that failure to respond to my Order could result in her appeal being dismissed for failure to prosecute. Employee’s response was due by close of business on November 12, 2010. Employee did not respond by the November 12, 2010 deadline and has not responded to date. The record is now closed.

JURISDICTION

The jurisdiction of this Office has not been established

ISSUE

Should this petition for appeal be dismissed?

FINDINGS OF FACT, ANALYSIS AND CONCLUSIONS OF LAW.

OEA Rule Section 622.3, 46 D.C. Reg. 9313 (1999) states that if a party fails to take reasonable steps to prosecute or defend an appeal, the Administrative Judge may dismiss the action or rule for the appellant. Failure to prosecute includes, but is not limited to submitting required documents after being provided with a deadline for such submission. By failing to submit a response to this judge's November 12, 2010 Order, Employee has failed to prosecute her appeal. Thus, this appeal is being dismissed for failure to prosecute.

ORDER

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

FOR THE OFFICE:

---

Wanda L. Jackson, Esq.  
Administrative Judge