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THE DISTRICT OF COLUMBIA

BEFORE

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:)	
)	
RUBY TYREE)	
Employee)	OEA Matter No. 2401-0184-04
)	
v.)	Date of Issuance: May 24, 2005
)	
DISTRICT OF COLUMBIA)	Rohulamin Quander, Esq.
PUBLIC SCHOOLS)	Senior Administrative Judge
Agency)	

Ruby Tyree, pro se, Employee
Harriet Segar, Esq., Agency Representative

INITIAL DECISION

PROCEDURAL BACKGROUND AND FINDINGS OF FACT

On July 29, 2004, Employee, an ET-15 Teacher with the District of Columbia Public Schools (the "Agency"), filed a Petition for Appeal with the D.C. Office of Employee Appeals (the "Office"), challenging the Agency's final decision, effective June 30, 2004, separating her from employment as a result of the abolishment of her position as a component of financial challenges at the Agency. The matter was assigned to the undersigned administrative judge (AJ) on April 21, 2005. On that same day I issued an Order, convening a Prehearing Conference for May 18, 2005. The Order also directed that Employee file a Prehearing Statement by May 11, 2005. The Order was sent to Employee's listed address of record by regular first class U.S. mail. However, Employee failed to comply, filing no requested documents and likewise not appearing for the Prehearing Conference.

JURISDICTION

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

ISSUE

Whether this appeal should be dismissed for failure to prosecute.

ANALYSIS AND CONCLUSION

OEA Rule § 622.3, 46 D.C. Reg. 9313 (1999), provides 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; or
- c) Inform this Office of a change of address which results in correspondence being returned.

Under the rules of this Office, a failure to appear at a scheduled proceeding after receiving notice, or to submit required documents after being provided with a deadline for such submission, could result in sanctions, including dismissal. I conclude that Employee failed to prosecute the appeal, which is a sound cause for this matter to be dismissed.

ORDER

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

FOR THE OFFICE:


ROHULAMIN QUANDER, ESQ.
Senior Administrative Judge