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THE DISTRICT OF COLUMBIA

BEFORE

THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	
)	OEA Matter No.: 1601-0085-13
NADIA COLE,)	
Employee)	
)	Date of Issuance: July 9, 2014
v.)	
)	
OFFICE OF THE STATE SUPERINTENDENT)	
OF EDUCATION,)	
Agency)	
)	
)	Arien P. Cannon, Esq.
)	Administrative Judge
_____)	
Nadia Cole, Employee, <i>Pro se</i>		
Hillary Hoffman-Peak, Esq., Agency Representative		

INITIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

Nadia Cole (“Employee”) filed a Petition for Appeal with the Office of Employee Appeals (“OEA” or “Office”) on April 30, 2013, challenging the Office of the State Superintendent of Education’s (“Agency”) decision to remove her from her position as a Bus Attendant. Agency filed its Answer, along with a Motion to Dismiss, on June 10, 2013. This matter was assigned to me on February 25, 2014. Agency’s Motion to Dismiss was denied on March 18, 2014. Accordingly, a Prehearing Conference was scheduled for June 27, 2014. Agency’s representative was present; however, Employee did not appear. Subsequently, a Show Cause Order was issued which gave Employee until July 7, 2014, to respond and establish good cause for failure to appear at the Prehearing Conference. To date, Employee has not responded to the Show Cause Order. 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 matter should be dismissed for failure to prosecute.

ANALYSIS AND CONCLUSION

A Prehearing Conference Order was issued on April 9, 2014, which scheduled a Prehearing Conference for June 27, 2014. Agency's representative was present; however, Employee failed to appear. Subsequently, a Show Cause Order was issued on June 27, 2014, which gave Employee until July 7, 2014, to respond and establish good cause for failure to appear at the Prehearing Conference. To date, Employee has failed to respond to the Show Cause Order.

OEA Rule 621.3, 59 DCR 2129 (March 16, 2012) provides that the Administrative Judge, in the exercise of sound discretion, may dismiss an appeal if a party fails to take reasonable steps to prosecute their appeal. Failure of a party to prosecute an appeal includes a failure to submit required documents after being provided with a deadline for such submission and failure to appear at a scheduled proceeding. Here, a Prehearing Conference was scheduled for June 27, 2014. Agency's representative was present; however, Employee did not appear. A Show Cause Order was issued on June 27, 2014, which required Employee to establish good cause for his failure to appear. Employee's response to the Show Cause Order was due on or before July 7, 2014. Employee failed to respond to the Show Cause Order. As such, I find that Employee has failed to exercise due diligence and take reasonable steps in prosecuting her appeal before this Office.

ORDER

Accordingly, it is hereby **ORDERED** that Employee's Petition for Appeal in this matter is **DISMISSED** for failure to prosecute.

FOR THE OFFICE:

Arien P. Cannon, Esq.
Administrative Judge