

THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	
)	
Jackie Johnson,)	OEA Matter No. 1601-0075-17
Employee)	
)	
v.)	Date of Issuance: February 23, 2018
)	
D.C. Public Schools,)	Joseph E. Lim, Esq.
Agency)	Senior Administrative Judge
_____)	

Jackie Johnson, Employee *pro se*
Lynette Collins, Esq., Agency Representative

INITIAL DECISION

PROCEDURAL BACKGROUND AND FINDINGS OF FACT

On July 25, 2017, Employee, an Elementary Classroom Teacher, filed a petition for appeal with this Office from Agency's final decision separating her from Government service effective July 29, 2017, due to two consecutive years of unsatisfactory IMPACT scores.¹ The matter was assigned to the undersigned on November 3, 2017. I issued an Order directing the parties to attend a January 22, 2018, Prehearing Conference and to submit a Prehearing Statement by January 19, 2018. When the Order was not followed, I issued a Show Cause Order to the parties on January 23, 2018. Agency complied, but Employee did not.

Despite prior warnings that failure to comply could result in sanctions, including dismissal; Employee failed to attend the conference, submit a Prehearing Statement, or respond to a Show Cause Order. The record is closed.

JURISDICTION

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

ISSUE

Whether this appeal should be dismissed for failure to prosecute.

¹ IMPACT is the effectiveness assessment system which the D.C. Public Schools used for the 2016-2017 school year to rate the performance of school-based personnel.

ANALYSIS AND CONCLUSION

In accordance with OEA Rule 621.3, 59 DCR 2129 (March 16, 2012), this Office has long maintained that a petition for appeal may be dismissed when an employee fails to prosecute the appeal. In this matter, Employee failed to respond to all Orders that I issued. All had specific time frames and both contained warnings that failures to comply could result in penalties, including the dismissal of the petition. The Orders were sent to Employee at the address she listed as her home address in her petition and in her submissions. They were sent by first class mail, postage prepaid and were not returned. They are presumed to have been delivered in a timely manner. *See, e.g., Employee v. Agency*, OEA Matter No.1602-0078-83, 32 D.C. Reg. 1244 (1985).

ORDER

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

FOR THE OFFICE:

JOSEPH E. LIM, Esq.
Senior Administrative Judge