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**THE DISTRICT OF COLUMBIA**

**BEFORE**

**THE OFFICE OF EMPLOYEE APPEALS**

_____	)	
In the Matter of:	)	
	)	OEA Matter No.: 1601-0061-12
THOMAS SYDNOR,	)	
Employee	)	
	)	Date of Issuance: May 13, 2014
v.	)	
	)	
METROPOLITAN POLICE DEPARTMENT,	)	
Agency	)	
_____	)	
	)	Arien P. Cannon, Esq.
	)	Administrative Judge

Thomas Sydnor, Employee, *Pro se*  
Brenda Wilmore, Esq., Agency Representative

**INITIAL DECISION**

**INTRODUCTION AND PROCEDURAL BACKGROUND**

Thomas Sydnor (“Employee”) filed a Petition for Appeal with the Office of Employee Appeals on February 13, 2012, contesting the Metropolitan Police Department’s (“Agency”) ten (10) day suspension imposed against him. At the time of the suspension, Employee was a Detective with Agency. Agency filed its Answer on March 13, 2012. I was assigned this matter in August of 2013.

A Status Conference was convened on February 24, 2014. A Post Status Conference Order was issued on February 25, 2014, which required the parties to address the issues presented in this matter. Agency’s brief was due on or before March 24, 2014. Employee’s brief was due on or before April 24, 2014. Agency timely submitted its brief on March 24, 2014. To date, Employee has failed to submit his brief in response to the Post Status Conference Order. As such, a Show Cause Order was issued on May 2, 2014, requiring Employee to provide a statement of good cause for failing to response to the Post Status Conference Order. Employee was given until May 9, 2014, to provide a statement of good cause for failing to response to the Post Status Conference Order. To date, Employee has failed to respond to both the Post Status Conference Order and 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 Status Conference was convened in this matter on February 24, 2014. Subsequently, a Post Status Conference Order was issued, which required the parties to submit briefs on the issues in this case. Agency's brief was due on or before March 24, 2014. Employee's brief was due on or before April 24, 2014. Agency submitted its brief on March 24, 2014. To date, Employee has failed to submit his brief in response to the Post Status Conference Order. A Show Cause Order was issued on May 2, 2014, which required Employee to provide a statement of good cause for failing to respond to the Post Status Conference Order. Employee was given until May 9, 2014, to provide a statement of good cause for failing to respond to the Post Status Conference Order. To date, Employee has failed to respond to both the Post Status Conference Order and the Show Cause Order.

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 his/her appeal. 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.<sup>1</sup> Failure of a party to prosecute or defend an appeal includes a failure to submit required documents after being provided with a deadline for such submission. Here, Employee has failed to respond to both the Post Status Conference Order and the Show Cause Order. Employee was warned that failure to respond may result in the imposition of sanctions. Accordingly, I find that Employee has failed to exercise due diligence and take reasonable steps in prosecuting his appeal before this Office.

## ORDER

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

FOR THE OFFICE:

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Arien P. Cannon, Esq.  
Administrative Judge

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<sup>1</sup> OEA Rule 621.3, 59 DCR 2129 (March 16, 2012).