

**SCHEDULING ORDER: SILVIA MORALES v. DC PUBLIC SCHOOLS,
AHD No PBL08-064 DCP No. 20071112170-0001**

5. Discovery requests must be responded to within twenty (20) days of receiving the request. Where a response is not received in a timely manner, a party may request the ALJ force a party to answer discovery requests. This request must be made in writing and be filed with AHD within five (5) working days of the failure to provide the requested material within the time limits in this Order. A party will have five (5) days to respond to the ALJ, in writing, and present the reasons why discovery was not provided. Failure to respond within five (5) days will be an admission of non-compliance, and will mean the information or documents will not be relied upon in making the decision in this case.
6. All documents which a party wishes the ALJ to consider in making a decision in this case are to be submitted to AHD, and exchanged with the opposing party at the formal hearing. The documents are to be bound, tabbed, and indexed.
7. Where the **claimant fails to perform** as required by this **SCHEDULING ORDER**, without good cause, the application for hearing shall be dismissed. The dismissal will be based either upon the request of the government or a determination of non-compliance by the ALJ. The request of the government must be filed within ten (10) days of the non-compliance by claimant. When the claimant is made aware of a request to dismiss his/her claim, he/she must respond in writing within five (5) working days as to why the application for hearing should not be dismissed. Failure to respond will be considered agreement in the dismissal of the application for hearing.
8. Where the **Government fails to perform** as required by this **SCHEDULING ORDER**, without good cause, the formal hearing may be scheduled to allow only the claimant to present testimony or documents in support of his/her claim - this is an *ex parte* hearing. The holding of this type of hearing will be based either upon the request of the claimant or a determination of non-compliance by the ALJ. When the government is made aware of a request to proceed on an *ex parte* basis, it shall respond thereto within five (5) working days. Failure to respond will be considered agreement in going forward in this manner.
9. Where a witness does not readily understand or cannot communicate in the spoken English language; or, because of a hearing impairment cannot readily understand or communicate in the spoken English language, a request for an interpreter for the witness must be made in writing to AHD on or before June 30, 2008. The request will be sent to **SCHEDULING CLERK/INTERPRETER SERVICES, ADMINISTRATIVE HEARING DIVISION/OFFICE OF HEARINGS AND ADJUDICATION** and shall contain the date and time of the formal hearing and the particular language and/or dialect, or sign language discipline required by the witness.

THERE WILL BE NO EXTENSION OF ANY DEADLINE OR DATE ESTABLISHED IN THIS ORDER BY AGREEMENT OF THE PARTIES. A REQUEST TO CONTINUE THE FORMAL HEARING MUST BE MADE OF THE ADMINISTRATIVE LAW JUDGE AND WILL BE GRANTED ONLY WHERE GOOD CAUSE FOR THE CONTINUANCE HAS BEEN SHOWN. AN ORDER IS REQUIRED FOR ANY AND ALL MODIFICATIONS TO THIS ORDER.

DATE: _____

June 10, 2008

Nata L. Brown

**ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE HEARING DIVISION**

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PROOF OF SERVICE

I certify that I served a copy of the above Order upon each representative of record by certified mail, postage prepaid on June 10, 2008

Dated: 6-10-08

Michael A. Smith

Parties Served:

Silvia Morales, Pro Se
1436 W Street, N.W., Apt. 107
Washington, D.C. 20009

Andrea Comentale, Office of the Attorney General
Personnel & Labor Relations
441 4th Street, N.W., Suite 1060N
Washington, D.C. 20001

cc: Karen Sheppard, Disability Compensation Program
441 4th Street, N.W., Suite 800S
Washington, D.C. 20001

ENCLOSURE: Pre-Hearing Order