

**DISTRICT OF COLUMBIA DEPARTMENT OF EMPLOYMENT SERVICES**  
**ADMINISTRATIVE HEARING DIVISION**  
**OFFICE OF HEARINGS AND ADJUDICATION**  
64 New York Avenue, N.E., Suite 2100, Washington, D.C. 20002  
(202) 671-2233

**LEROY EBON,**

**Claimant,**

**v.**

**DISTRICT OF COLUMBIA PUBLIC  
SCHOOLS, (DCPS),**

**Employer.**

)  
)  
)  
) **SCHEDULING ORDER**  
) **AHD No. PBL. 08-026H**  
) **DCP No. 76000-5000-1199-0041**  
) **Hon. Fred D. Carney, Jr.**  
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**IT IS HEREBY ORDERED:**

1. The Formal Hearing in the above-captioned matter will convene on August 7, 2008 at 9:30 a.m., and will conclude on or before 11:30 a.m. Pursuant to OHA Direction 00-001, each party will limit his or her presentation of evidence and argument to one hour. During this one hour time period a party will present opening and closing statements, if called for by the Administrative Law Judge, and will direct the examination of his or her witness[es], including rebuttal witnesses. Any party may request a greater allotment of time in which to present his or her case. The written request is to be made to the Administrative Law Judge named herein, stating the bases therefor, and will contain a proffer of the evidence to be adduced during the extended period. All requests for extensions of time shall be submitted on or before June 16, 2008.
2. Any party who wishes to participate in a pre-hearing conference before AHD, prior to the formal hearing, must submit a written request for a conference to AHD, with a copy mailed to the opposing party, within ten (10) days of receipt of this Order. The purpose of this conference would be to discuss the issues, witnesses and exhibits to be presented at the formal hearing. The request to schedule a conference must contain a list of the reasons the party wishes to meet; **NO DECISION WILL BE MADE ON THE REQUEST FOR BENEFITS AT THE CONFERENCE.**
3. With this Order, the parties are furnished a blank Pre-Hearing Order (PHO). The completed PHO must be signed by each party and submitted to AHD within thirty (30) days of the date on which the Administrative Law Judge signed this Order.
4. Discovery is the required disclosure of testimony or documents from one party to litigation to the other. To seek this information, a party may use written questions (interrogatories), a request for documents, and/or a written agreement between the parties on uncontested facts (stipulations). The parties are strongly encouraged to begin their discovery process upon receipt of this Order. All discovery shall be completed by July 30, 2008. No discovery is permitted after this date except upon order of the Administrative Law Judge (ALJ).

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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 16, 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: \_\_\_\_\_

5/23/08

  
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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 May 23, 2008.

Dated: 5/23/08 Cory Ruel

**Parties Served:**

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cc: Kelly Valentine, Interim Director  
Office of Risk Management  
441 Fourth Street, NW, Room 800S  
Washington, DC 20001

**ENCLOSURE: Pre-Hearing Order**

FDC:pmmh