

Notice: This decision may be formally revised before it is published in the *District of Columbia Register*. Parties should promptly notify the Administrative Assistant of any formal errors so that this Office can correct them before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	
)	
PAUL DAME)	
Employee)	
)	OEA Matter No. 1601-0043-03P04
v.)	
)	Date of Issuance: January 14, 2004
DEPARTMENT OF)	
CORRECTIONS)	
Agency)	
_____)	

OPINION AND ORDER
ON
PETITION FOR REVIEW

On March 21, 2003, Employee filed with the Office of Employee Appeals (OEA) a Petition for Appeal in which he alleges that he was summarily removed from his position of Computer Specialist effective November 5, 1999. Because Employee did not attach to his appeal form documents indicating that Agency had made a final decision to remove him, by letter dated October 14, 2003, OEA's Administrative Assistant notified Employee that a question exists as to whether the Office has jurisdiction over his appeal. Employee was given

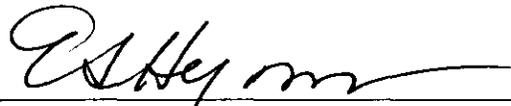
until October 24, 2003 to submit a copy of the final Agency decision and a detailed statement regarding this Office's jurisdiction.

By Initial Decision dated November 4, 2003, the Administrative Judge assigned to this appeal dismissed the appeal for failure to prosecute believing that Employee had not responded to the Administrative Assistant's October 14, 2003 letter. In fact, by letter dated October 15, 2003, Employee had filed a statement in response to the Administrative Assistant's letter that had not been placed in the case file. Because Employee's submission was not considered before his appeal was dismissed, this matter shall be remanded to the Administrative Judge for further proceedings on Employee's appeal.

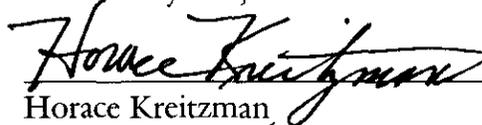
ORDER

Accordingly, it is hereby **ORDERED** that the Initial Decision is **VACATED**, Employee's Petition for Review is **GRANTED** and this appeal is **REMANDED** to the Administrative Judge for further action consistent with this order.

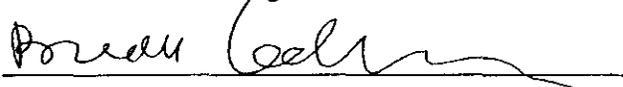
FOR THE BOARD:



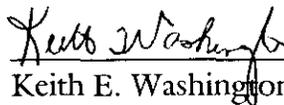
Erias A. Hyman, Chair



Horace Kreitzman



Brian Lederer



Keith E. Washington

The initial decision in this matter shall become a final decision of the Office of Employee Appeals 5 days after the issuance of this order. An appeal from a final decision of the Office of Employee Appeals may be taken to the Superior Court of the District of Columbia within 30 days after formal notice of the decision or order sought to be reviewed.