

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:	)	
	)	
GREGORY LUMPKIN	)	
Employee	)	
v.	)	OEA Matter No. J-0046-04P04
	)	
	)	Date of Issuance: <b>May 26, 2004</b>
DEPARTMENT OF PARKS AND	)	
RECREATION	)	
Agency	)	
_____	)	

OPINION AND ORDER  
ON  
PETITION FOR REVIEW

Employee, a Facility Manager in the Management Supervisory Service, appealed to this Office Agency's final decision suspending him for five days. The Administrative Judge found that with respect to employee appeals involving suspensions, this Office could not consider appeals wherein the employee was suspended for less than 10 days. Accordingly, in an Initial Decision issued March 26, 2004, Employee's appeal was dismissed for lack of jurisdiction.

On April 29, 2004, Employee filed a Petition for Review. In his Petition for Review Employee does not challenge the Initial Decision. Instead, he alleges that Agency

has since improperly removed him from his position. We are aware that Employee has filed a Petition for Appeal with this Office contesting the removal. However, the Administrative Judge assigned to that appeal has not issued an initial decision with respect to that petition. Therefore, we believe that Employee's Petition for Review is premature and thus not properly before this Board. As such, we will uphold the March 26, 2004 Initial Decision and deny Employee's Petition for Review.

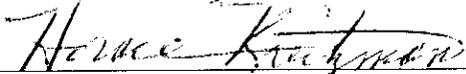
ORDER

Accordingly, it is hereby **ORDERED** that Employee's  
Petition for Review is **DENIED**.

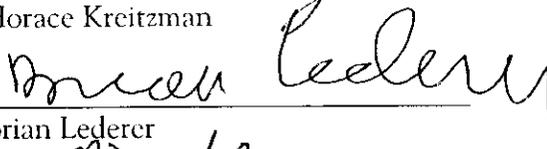
FOR THE BOARD:



\_\_\_\_\_  
Erias A. Hyman, Chair



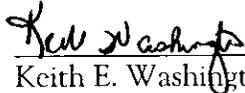
\_\_\_\_\_  
Horace Kreitzman



\_\_\_\_\_  
Brian Lederer



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Jeffrey J. Stewart



\_\_\_\_\_  
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 date 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.

CERTIFICATE OF SERVICE

I certify that the attached **OPINION AND ORDER** was sent by regular mail this day to:

Gregory Lumpkin  
2501 12th Place., S.E.  
# 204  
Washington, D.C. 20020

Neil Albert, Director  
Department of Parks and Recreation  
3149 16th Street., N.W.  
Washington, DC 20010

  
Katrina Hill  
Clerk

May 26, 2004  
Date