

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: )

GAYNELL NIXON )

Employee )

v. )

D.C. HOUSING AUTHORITY )

Agency )  
\_\_\_\_\_ )

OEA Matter No. 2401-0057-97

Date of Issuance: June 16, 2003

**OPINION AND ORDER**

**ON**

**PETITION FOR REVIEW**

Agency removed Employee from her career service position pursuant to a modified reduction-in-force authorized by section 149 of the District of Columbia Appropriations Act for fiscal year 1996. Employee appealed to this Office. On September 26, 2001, the Administrative Judge found that Employee had failed to state a claim upon which relief could be granted and thus dismissed the appeal.

On November 1, 2001, Employee filed a document entitled "D.C. Housing Authority

Employees Challenge of Decision and Request for Appeal.” In this document Employee requested an extension in which to file an appeal because, due to the uncertainties in mail service in the Washington area, AFGE Local 2725 did not give pertinent information to Employee until October 31, 2001.

On September 23, 2002, the Board issued an *Opinion and Order on Petition for Review* in this case. In that order we recognized that although the time limit for filing of a Petition for Review is statutorily established and ordinarily cannot be extended, we, nonetheless, granted Employee an additional 45 days in which to file an amended Petition for Review. We based our decision on the fact that Employee’s initial filing communicated “a clear intent to request the Board to review the Initial Decision. Employee[] thus [had] met the basic standard for a timely filed Petition for Review, thereby giving this Board jurisdiction over the matter.” *Nixon, et al. v. D.C. Housing Authority*, OEA Matter No. 2401-0057-97, *Opinion and Order on Petition for Review* (Sept. 23, 2002), \_\_D.C. Reg.\_\_( ).

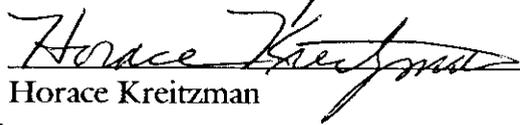
Employee filed an amended Petition for Review on November 6, 2002. In it she states that her “claim for relief was to be reinstated to my previous position, and compensated for the time of my release from the agency, or a right to sue.” Employee, however, fails to present any evidence to support this claim. We directed Employee in our previous order to file a detailed argument, pursuant to OEA Rule 634.3, as to why the Initial Decision should be reversed. This Employee has not done. Therefore, we must deny Employee’s Petition for Review.

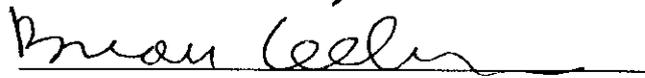
**ORDER**

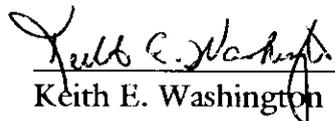
Accordingly, it is hereby **ORDERED** that Employee's Petition  
for Review is **DENIED**.

FOR THE BOARD:

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

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

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

  
\_\_\_\_\_  
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.