

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:	)	
	)	
ROBERT R. SAWYERS	)	
Employee	)	
	)	OEA Matter No. 1601-0094-99
	)	
v.	)	Date of Issuance: December 20, 2002
	)	
DEPARTMENT OF	)	
CORRECTIONS	)	
Agency	)	
_____	)	

**OPINION AND ORDER**  
**ON**  
**PETITION FOR REVIEW**

Agency removed Employee from his position as a Supervisory Accountant, and Employee filed a Petition for Appeal with this Office. Because there was a question as to whether this Office had jurisdiction over Employee's appeal, on October 10, 2001, the Administrative Judge mailed to Employee's address of record an Order that required Employee to submit a statement addressing this issue. When no response was received, the Administrative Judge sent another Order on November

20, 2001 directing Employee to show cause as to why his appeal should not be dismissed for failure to prosecute. On December 19, 2001, the Postal Service returned the November 20, 2001 Order and stamped on the envelope "Attempted Not Known" and "No Robert Sawyers at this Address." Believing that Employee had failed to notify this Office of his new address, the Administrative Judge dismissed his appeal for failure to prosecute.

Thereafter, Employee filed a timely Petition for Review. In his Petition for Review Employee argues that he did not receive the October 10, 2001, Order. Further, he argues that his appeal should not have been dismissed because, according to Employee, he notified this Office on September 8, 1999 of his change of address. In support of this argument Employee attached to his Petition for Review two envelopes which contained documents that this Office mailed to Employee on July 31, 2000 and January 17, 2002. The address on these envelopes is Employee's new address. The January 17, 2001 mailing contained the Initial Decision issued in this case.

It appears that this Office had notice of Employee's new address. Therefore, Employee's appeal should not have been dismissed for failure to prosecute. Accordingly, we grant Employee's Petition for Review and remand this appeal for further proceedings consistent with this opinion.

ORDER

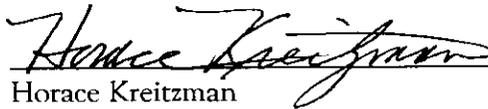
Accordingly, it is hereby **ORDERED** that Employee's Petition for Review is **GRANTED** and this matter is **REMANDED** for proceedings consistent with this opinion.

FOR THE BOARD:



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

\_\_\_\_\_  
Gwendolyn Hemphill



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



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

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.