

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:	)	
	)	
KELLY BAIDEN	)	
Employee	)	
	)	
	)	OEA Matter No. 1601-0214-04
v.	)	
	)	Date of Issuance: October 28, 2005
	)	
DISTRICT OF COLUMBIA HOUSING	)	
AUTHORITY	)	
Agency	)	
_____	)	

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

Kelly Baiden (“Employee”) was removed from his position as Housing Manager by the District of Columbia Housing Authority (“Agency”). The action was based upon Employee’s alleged discourteous treatment of the public and fellow employees, insubordination, and engaging in threatening and abusive behavior.


The termination took effect on February 23, 2004. Employee filed a Petition for Appeal with the Office of Employee Appeals on August 19, 2004. Noticing that Employee had not filed the petition within 30 days of the date on which he was terminated, the Administrative Judge ordered Employee to make a submission explaining why the appeal appeared to be untimely. The submission was due April 7, 2005. Thinking that Employee had not made a timely submission, the Administrative Judge issued an Initial Decision on June 10, 2005 in which she dismissed the appeal.

Subsequently, Employee filed a Petition for Review. In the petition he argues that he made a submission in compliance with the Administrative Judge's order. Employee provides proof that the submission was received in this Office on April 7, 2005 as the Administrative Judge had requested. We believe that due to an administrative error, the Administrative Judge did not receive the documents in a timely manner. As such, we will grant Employee's Petition for Review and remand the appeal for further proceedings.

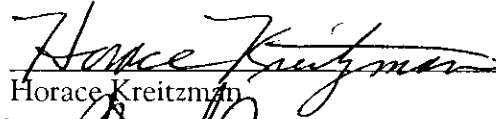
ORDER

Accordingly, it is hereby **ORDERED** that Employee's Petition for Review is **GRANTED** and the appeal is **REMANDED**.

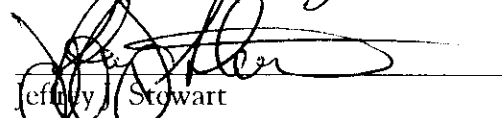
FOR THE BOARD:



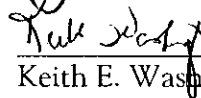
Brian Lederer, Chair



Horace Kreitzman



Jeffrey 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.