

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:	)	
	)	
EDWARD CALHOUN, JR.	)	
Employee	)	OEA Matter No. J-0001-98
	)	
v.	)	Date of Issuance: <b>January 3, 2001</b>
	)	
DEPT. OF PUBLIC WORKS	)	
Agency	)	
_____	)	

OPINION AND ORDER  
ON  
PETITION FOR REVIEW

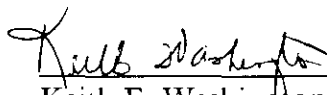
Employee filed a Petition for Appeal in this Office on October 1, 1997 to contest Agency's termination of his employment as a Tool/Parts Attendant. Because it appeared that Employee held a temporary appointment at the time of his termination, on August 18, 2000 this Office informed Employee that his appeal was in jeopardy of being dismissed for a lack of jurisdiction. We asked Employee to submit a statement, by September 1, 2000, outlining his arguments as to why this Office had jurisdiction over his appeal.

Employee complied with this directive and submitted his statement regarding this Office's jurisdiction on September 1, 2000. However, believing that Employee had not made the required submission, the Administrative Judge dismissed Employee's appeal for lack of jurisdiction in an Initial Decision issued on November 7, 2000. In his Petition for Review, Employee makes several arguments which conclude with a request that we reconsider his appeal in light of the fact that he submitted the statement regarding this Office's jurisdiction over his appeal. Because Employee's submission did not come to the attention of the Administrative Judge before the appeal was dismissed, we will grant Employee's Petition for Review and remand this appeal for further consideration.

ORDER

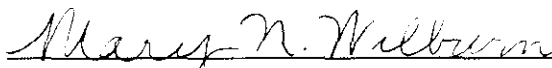
Accordingly, it is hereby ORDERED that Employee's Petition for Review is GRANTED, the Initial Decision is VACATED, and the matter is REMANDED to the Administrative Judge for further proceedings.

FOR THE BOARD:

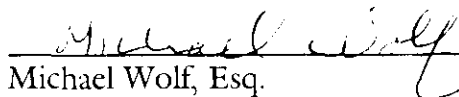


\_\_\_\_\_  
Keith E. Washington, Chair

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



\_\_\_\_\_  
Mary N. Wilburn, Esq.



\_\_\_\_\_  
Michael Wolf, Esq.

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.