

Notice: This decision may be revised before publication in the *District of Columbia Register*. Parties should promptly notify the Office of any formal errors so that this Office can correct them before publishing this decision. This notice is not intended to provide an opportunity for substantive challenge to the decision.

THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	
)	
ERNESTINE COPELAND)	
Employee)	
)	OEA Matter No. 2401-0056-02
v.)	
)	Date of Issuance: March 5 2003
DEPARTMENT OF)	
CORRECTIONS)	
Agency)	
_____)	

OPINION AND ORDER
ON
PETITION FOR REVIEW

Employee filed a Petition for Appeal to OEA challenging her removal pursuant to a reduction in force. She did not include a copy of the final agency action. On June 13, 2002, OEA notified Employee that she was required to submit a final agency decision under OEA Rule 609.2(e). She failed to submit the final agency decision by the June 24, 2002 deadline. On September 10, 2002, the Administrative Judge dismissed the appeal because “jurisdiction

of this office has not been established.”

Employee filed a timely petition for review which attached a copy of the final agency decision. Because this matter is jurisdictional, the Petition for Appeal may be amended by the notice of final agency decision submitted with the Petition for Review. Thus, Employee’s Petition for Appeal was timely.

As jurisdiction of the Office can be established at any point in a proceeding, Employee’s submission thus meets the jurisdictional standard set forth in the Initial Decision, and must therefore grant Employee’s petition for review. *See Banks v. District of Columbia Pub. Sch.*, OEA Matter No. 1602-0030-90, *Opinion and Order on Petition for Review* (Sept. 30, 1992) , issues regarding jurisdiction may be raised at any time during the course of the proceeding. *See Brown v. District of Columbia Pub. Sch.*, OEA Matter No. 1601-0027-87, *Opinion and Order on Petition for Review* (July 29, 1993) ; *Jordan v. Department of Human Services*, OEA Matter No. 1601-0110-90, *Opinion and Order on Petition for Review* (Jan. 22, 1993), ; *Maradi v. District of Columbia Gen. Hosp.*, OEA Matter No. J-0371-94, *Opinion and Order on Petition for Review* (July 7, 1995).

We are constrained to note, however, that this ruling should not be construed to in anyway endorse Employee’s failure to comply with our rules. Had this appeal been dismissed based on Employee’s failure to properly prosecute her appeal, we would have been inclined to uphold the dismissal.

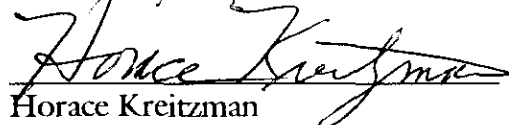
ORDER

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

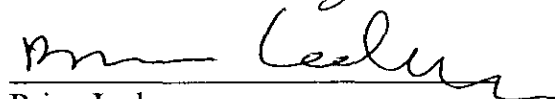
FOR THE BOARD:



Erias A. Hyman, Chair



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.