

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:)	
)	
LEONARD JOHNSON)	
Employee)	
)	OEA Matter No. 2401-0194-98
)	
v.)	Date of Issuance: September 28, 2001
)	
D.C. PUBLIC SCHOOLS)	
Agency)	
)	

OPINION AND ORDER
ON
PETITION FOR REVIEW

On August 7, 1998 Employee filed a Petition for Appeal contesting Agency's removal of him due to a reduction-in-force. Because Employee's appeal raised an issue that was no longer a prevailing factor in determining the lawfulness of a reduction-in-force, on May 25, 2001 the Administrative Judge issued an Order for Employee to Make a Submission. In the Order, the Administrative Judge advised Employee that his appeal would be dismissed unless he raised new issues challenging Agency's action. The Administrative Judge ordered Employee

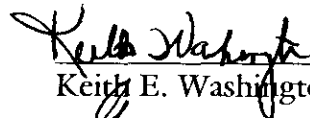
to make a submission by June 7, 2001. For various reasons, the Administrative Judge extended that deadline to June 11, 2001. Employee was cautioned that if he failed to make a timely submission, the appeal would be dismissed.

By Initial Decision dated June 19, 2001 the Administrative Judge dismissed Employee's appeal believing that Employee had not responded to the May 25, 2001 Order. In fact, on June 11, 2001, Employee filed a statement in response to the Administrative Judge's Order. Because Employee's statement was not considered before the appeal was dismissed, this matter shall be remanded to the Administrative Judge for further proceedings on Employee's appeal.


ORDER

Accordingly, it is hereby **ORDERED** that Employee's Petition for Review is **GRANTED**. This matter is **REMANDED** to the Administrative Judge for further proceedings.

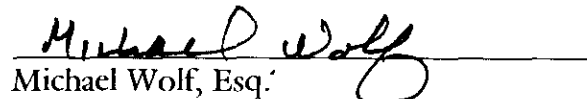
FOR THE BOARD:



Keith E. Washington, Chair



Gwendolyn Hemphill



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.