

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:)	
)	
EDGAR M. KING)	
Employee)	
)	OEA Matter No. T-031-01
)	
v.)	Date of Issuance: October 16, 2002
)	
DEPARTMENT OF)	
CORRECTIONS)	
Agency)	
_____)	

OPINION AND ORDER
ON
PETITION FOR REVIEW

On September 25, 1999, Agency removed Employee pursuant to a reduction-in-force. ("RIF") Employee waited until February 23, 2001, 17 months later, to file this Petition for Appeal with the Office of Employee Appeals.¹ The Administrative Judge dismissed the appeal as untimely filed.

Employee then filed a Petition for Review challenging the Initial Decision, in which he

¹ Employee apparently had filed an earlier timely Petition for Appeal which he withdrew.

maintains that he only just discovered that his service computation date had been miscalculated in regard to the earlier RIF. The Omnibus Personnel Reform Amendment Act of 1998 (“OPRAA”), amended D.C. Code § 1-606.3(a) to provide that an appeal to this Office “shall be filed within 30 days of the effective date of the appealed agency action.” Prior to OPRAA, the time limit for filing an appeal with this Office was not mandatory and could be waived upon a showing of good cause.

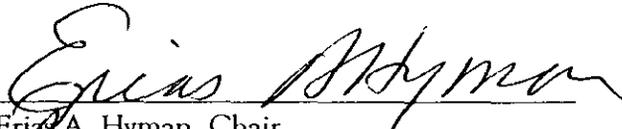
Pursuant to OPRAA, time limits for filing an appeal are mandatory and thus jurisdictional. The District of Columbia Court of Appeals has held that statutory time limits for filing with administrative agencies are mandatory. We do not decide in this case whether a waiver of the statutory filing deadline is ever permissible—for example when caused by agency error. That is not presented here. Employee’s Petition for Review fails to state a convincing case for why this Board should consider an exemption to a statutory time period, which could be granted in any case under the most compelling of circumstances. The only reason cited by Employee is that he discovered that his service computation date had been miscalculated. This alone would not warrant consideration of an exception to the mandatory filing deadline, nor did Employee explain his lack of diligence in discovering the evidence that he believes is relevant.

Accordingly, Employee’s Petition for Review is denied, as this Office has no jurisdiction to consider this untimely appeal.

ORDER

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

FOR THE BOARD:


Eric A. Hyman, Chair


Gwendolyn Hemphill


Horace Kreitzman

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.