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THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	
)	
SHARON YOUNG-WESTER)	
Employee)	
)	OEA Matter No.: J-0033-03
v.)	
)	Date of Issuance: October 4, 2007
DISTRICT OF COLUMBIA PUBLIC)	
SCHOOLS)	
Agency)	
_____)	

OPINION AND ORDER
ON
PETITION FOR REVIEW

Sharon Young-Wester (“Employee”) worked as an ET-15 teacher with the D.C. Public School system (“Agency”). On December 26, 2002 she received a notice of termination from Agency. The notice provided that due to low student enrollment, her position as a cosmetology teacher would be abolished. On February 26, 2003 Employee filed a Petition for Appeal with the Office of Employee Appeals (“OEA”). Employee alleged that she was wrongfully terminated and that her termination was a form of retaliation for having filed a grievance against Agency.

On February 6, 2004 the Administrative Judge issued an Order Scheduling Prehearing Conference. The conference was scheduled for March 1, 2004. On March 2, 2004 the Administrative Judge issued his Initial Decision. It dismissed Employee's Petition for Appeal for failure to prosecute on the grounds that she did not supply a Prehearing Statement nor did she attend the Prehearing Conference.

On April 5, 2004 Employee filed a Petition for Review. In an Opinion and Order on Petition for Review issued September 19, 2006 we denied Employee's petition and upheld the Initial Decision.

Subsequently, Employee filed a Petition for Review with the Superior Court of the District of Columbia. Agency then filed a motion to have this appeal remanded to OEA. On September 6, 2007 the court granted Agency's motion and remanded this appeal to us with the instructions that we grant Employee's April 5, 2004 Petition for Review and further remand this appeal to the Administrative Judge. In compliance with this order, we herein grant Employee's Petition for Review and remand this appeal to the Administrative Judge for adjudication.

ORDER

Accordingly, it is hereby **ORDERED** that Employee's April 5, 2004 Petition for Review is **GRANTED** and this appeal is **REMANDED** for further adjudication.

FOR THE BOARD:

Brian Lederer, Chair

Horace Kreitzman

Keith E. Washington

Barbara D. Morgan

Richard F. Johns

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.