

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:)
)
ALICE D. ANDERSON)
Employee)
)
)
v.)
)
METROPOLITAN POLICE)
DEPARTMENT)
Agency)
_____)

OEA Matter No. 1601-0138-03

Date of Issuance: December 18, 2003

OPINION AND ORDER
ON
PETITION FOR REVIEW

Agency removed Employee from her position as a Supervisory Police Communications Operator effective August 8, 2003. Agency took this action based on its belief that Employee had failed to “ensure the proper supervision of the Call Takers under her supervision.” According to Agency, Employee’s failure in this regard resulted in a certain number of Call Takers being unavailable to receive 911 calls for a house fire in which a person died.


Employee appealed her removal to this Office on August 22, 2003. Employee, however, did not include the final agency decision with the appeal. In a September 12, 2003 Order, this Office ordered Employee to submit the final agency decision by September 26, 2003. Employee was advised that failure to comply with the Order could result in the dismissal of her appeal. Believing that Employee had not complied with the Order, the Administrative Judge issued an Initial Decision on September 30, 2003 dismissing Employee's appeal for failure to prosecute.

Employee filed a timely Petition for Review. In it she states that she had in fact complied with the Order by submitting the final agency decision on September 22, 2003. Our review of the record indicates that Employee had indeed filed with this Office the requested document in a timely manner. As such, we will grant Employee's Petition for Review and remand the appeal.

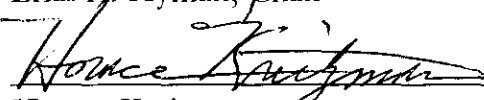
ORDER

Accordingly, it is hereby **ORDERED** that Employee's Petition for Review is **GRANTED** and that this appeal is **REMANDED** for proceedings consistent with this order.

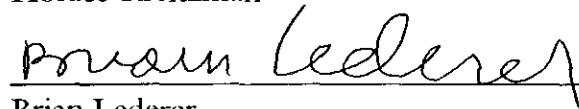
FOR THE BOARD:



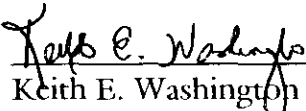
Erias A. Hyman, Chair



Horace Kreitzman



Brian Lederer



Keith E. Washington

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.