

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: )  
)  
ABDULAI CONTEH )  
Employee )  
)  
v. )  
)  
D.C. HOUSING AUTHORITY )  
Agency )  
)  
\_\_\_\_\_ )

OEA Matter No. 1601-0017-98  
Date of Issuance: May 4, 2001

OPINION AND ORDER  
ON  
PETITION FOR REVIEW

On October 22, 1997, Employee filed a Petition for Appeal with this Office contesting his removal for inexcusable absence without leave. On November 9, 2000, the Administrative Judge dismissed the appeal for failure to prosecute based on Employee's failure to submit a prehearing statement or to appear at a pre-hearing conference scheduled for October 2, 2000.

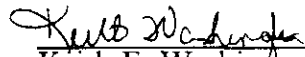
On December 6, 2000, Employee filed a petition for review with the Board, in which he states that his attorney was not served with the notices issued by the Administrative Judge.

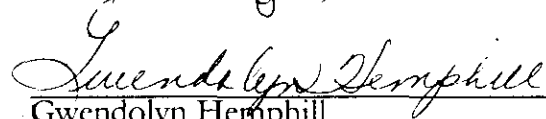
Our review of the record herein, discloses that due to administrative error, this Office did not add to the service list the name of Employee's designated legal representative, and thus there is no evidence that Employee received notice of the proceedings initiated by the Administrative Judge. Accordingly, fairness requires that the Initial Decision dismissing this matter for failure to prosecute be reversed and the case remanded to the Administrative Judge for further proceedings consistent with this Opinion and Order. See, *Carrol v. D.C. Depart. of Employment Serv.*, 487 A.2d 622 (D.C. App. 1985).


ORDER

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

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.