THE DISTRICT OF COLUMBIA

BEFORE

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:	)	
	)	
SYLVIA JOHNSON,	)	
Employee	)	OEA Matter No. J-0145-15R17R20
	)	
v.	)	
	)	Date of Issuance: February 4, 2021
D.C. FIRE AND EMERGENCY	)	
MEDICAL SERVICES,	)	
Agency	)	
	)	

OPINION AND ORDER
ON REMAND

This matter was previously before the Board. Sylvia Johnson ("Employee") worked as a Management Liaison Specialist with the D.C. Fire and Emergency Medical Services ("Agency"). On August 12, 2015, Agency issued a notice terminating Employee from her position.[1] Employee challenged her termination by filing a Petition for Appeal with the Office of Employee Appeals ("OEA") on September 21, 2015. She argued that she was improperly terminated while she was on Family Medical Leave Act ("FMLA").[2]

On October 30, 2015, Agency filed a Motion to Dismiss. It explained that Employee was still serving in her probationary period when she was terminated. Thus, Agency asserted that

[1] Agency provided that Employee failed to demonstrate her suitability and qualifications for continued employment. It explained that Employee's unsatisfactory performance included her failure to accurately and timely complete work assignments; failure to receive constructive criticism for improvement; and insubordination toward her supervisor and colleagues.
[2] *Petition for Appeal*, p. 2 (September 21, 2015).

OEA did not have jurisdiction because it could not consider appeals of probationary employees. Because Employee was terminated while in a probationary status, Agency reasoned that it did not need cause to terminate her. Therefore, it requested that Employee's Petition for Appeal be dismissed.[3]

Employee filed an Opposition to Agency's Motion to Dismiss on November 23, 2015. She argued that she was not a probationary employee at the time of her termination. Employee asserted that in its offer letter, Agency did not note that she was required to satisfy a probationary period for employment. It was her position that when an employee returns to government service and assumes the same grade, step, series, and salary, they are not required to undergo a new probationary period. Employee maintained that although there was a break in service, the imposition of a new, one-year probationary period was unwarranted because she returned to government service in the same grade, step, and salary as the position she held before her break in service. Additionally, Employee opined that Agency did not commence its corrective or adverse action within ninety days, as required by D.C. Code § 5-1031.[4] Therefore, she requested that Agency's Motion to Dismiss be denied.[5]

On December 16, 2015, the OEA Administrative Judge ("AJ") issued an order directing Employee to brief whether her appeal should be dismissed for lack of jurisdiction. In response, Employee asserted that she completed a probationary period for the Management Liaison Specialist position. Therefore, it was her position that pursuant to DPR §§ 816.1, 816.2 and 816.5, she was not required to complete a new probationary period upon reinstatement in the

[3] *D.C. Fire and Emergency Medical Services Department's Motion to Dismiss Employee's Petition for Appeal,* p. 2-3 (October 30, 2015).
[4] Employee provided that Agency concluded its investigation of one of the charges levied against her in December of 2014. However, her termination action occurred well after the ninety-day period in which to bring action in accordance with the D.C. Official Code.
[5] *Id.*

Management Liaison Specialist position. Additionally, Employee stated that her Standard Form 50 ("SF-50") did not indicate that her appointment was probationary.[6]

Agency replied to Employee's response on January 29, 2016. As it related to DPR § 816, Agency provided that the regulation required that an employee serve a probationary period of one year, after there is a break in service of more than one day. Moreover, it provided that Employee did not hold a permanent Career Service position prior to her separation; thus, she was not eligible for reappointment pursuant to DPR § 816. Additionally, Agency asserted that Employee's SF-50 did use the term "probational," when referring to her employment status. Therefore, it reasoned that Employee's argument regarding her probationary status was factually false. As a result, Agency argued that OEA lacked jurisdiction over the appeal and requested that the matter be dismissed.[7]

On February 11, 2016, the AJ issued his Initial Decision. He found that Employee was hired under a term appointment by Agency on July 20, 2009. According to the AJ, Employee's term appointment was extended on September 22, 2011 and July 20, 2013. However, on March 30, 2014, the expiration of her term, Employee was terminated from her position. The AJ held that Employee was subsequently rehired on September 22, 2014, as a probational Career Service employee.[8]

Moreover, the AJ found that the record did not support Employee's contention that she previously held a Career Service position and completed a probationary period. He reiterated that Employee held a term appointment that was extended on several occasions, but she was not a Career Service employee. As it related to the offer letter, the AJ determined that Agency and Employee each provided offer letters. According to the AJ, Agency's offer letter provided that

[6] *Petitioner's Supplemental Brief* (January 19, 2016).
[7] *Agency's Reply Brief* (January 29, 2016).
[8] *Initial Decision,* p. 2-3 (February 11, 2016).

Employee was required to serve a probationary period; Employee's offer letter did not. However, he found that despite the discrepancy, Employee did not offer any case law, rule, or regulation that requires Agency to include language of a probationary period in its offer letter. Finally, he provided that because there was a break in service and pursuant to DPR § 813, Employee was required to serve a one-year probationary period. Thus, the AJ ruled that OEA lacked jurisdiction and dismissed Employee's appeal.[9]

On March 17, 2016, Employee filed a Petition for Review of the Initial Decision with the OEA Board. She argued that the AJ mischaracterized her initial appointment as a term appointment. It was Employee's position that in accordance with DPR § 823, a term appointment could be in excess of one year but could not exceed four years. She reasoned that because her appointment was from July of 2009 through March of 2014, it exceeded the four-year term. Employee contended that when her four-year period ended in July of 2013, she was converted to a Career Service employee. Additionally, she reiterated that there was no probationary designation on her SF-50. Finally, she provided that she was reinstated to her position under DPR § 816.5, and accordingly, she was converted to Career Service permanent. Therefore, she requested that OEA reinstate her to her position with back pay.[10]

On April 19, 2016, Agency filed its response to Employee's Petition for Review. It argued that the record clearly established that the nature of Employee's tenure was a series of term appointments from July of 2009 through March of 2014. As for Employee's claim that she achieved Career Service permanent status, Agency contended that because she was hired six months after being terminated, there was a break in service. Therefore, Employee was required to serve a probationary period in accordance with D.C. Code § 1-608.01(a)(5). Accordingly, it

[9] *Id.* at 4.
[10] *Petition for Review,* p. 2-5 (March 17, 2016).

requested that the Board deny Employee's Petition for Review.[11]

On June 6, 2017, the OEA Board issued its Opinion and Order on Petition for Review. It remanded the matter to the Administrative Judge for further consideration because it could not determine if the requirements of DPR § 823 were met because there were documents missing from the record.[12] As for Employee's probational period, the Board found that the August 22,

[11] *Agency's Reply to Employee's Petition for Review,* p. 3-4 (April 19, 2016). Employee responded to Agency's Reply on May 2, 2016. She argued that she was on an approved leave status under FMLA. She explained that whenever an employee is approved for paid family leave, the FMLA coordinator must submit approval notifications to the employee's immediate supervisor, Agency head, and D.C. Human Resources ("DCHR"). Employee stated that the information compiled did not indicate that she was in a probationary period, until her termination letter was issued. She reasoned that the termination letter should not have trumped the Notice of Designation and Approval of Paid Family Leave that was extended to her. *Employee's Reply to Agency's Reply to Petition for Review* (May 2, 2016).

On May 6, 2016, Agency filed a Motion to Strike. It relied on OEA Rule 633.4 and provided that Employee failed to raise her FMLA argument before the OEA Administrative Judge; therefore, the argument was waived. Accordingly, it requested that the Board deny Employee's Petition for Review. *Agency's Motion to Strike Employee's Reply to Agency's Reply to Petition for Review* (May 6, 2016).

[12] DPR § 823.2 provided that an employee's term appointment must not have been supported by grant funds. However, there was nothing in the record that addressed that issue. Secondly, DPR § 823.2 provided that Employee must have continuously served in the term appointment for four years or more. In Agency's Reply Brief, it explained that "Employee held a Career Service appointment when employed by the Agency from July 20, 2009 to March 30, 2014." *Agency's Reply Brief,* p. 3 (January 29, 2016). Agency's contention seemed to suggest that Employee may have held the term appointment continuously. However, the record provided several SF-50 documents. Unfortunately, the Board could not determine if Employee's service was continuous based on the SF-50 documents provided. Thus, although Agency suggested that Employee held her position from July 20, 2009 through March 30, 2014, the SF-50 documents provided as evidence did not support that there was continuous service, as it contended. Accordingly, we remanded this matter for further consideration of this issue because there were obviously documents missing from the record.

Additionally, the Board noted that as it related to the four-year period, there was language in the July 20, 2013 SF-50 which seemed to suggest that Agency intentionally extended Employee's appointment past the four-year limit. The July 20, 2013 SF-50 stated that an "extension of term appointment beyond the four-year limit approved by DCSF-11B-10 dated 07/30/2013." *Opposition to D.C. Fire and Emergency Medical Services Department's Motion to Dismiss Employee's Petition for Appeal,* Attachment #1 (November 23, 2015). As Employee provided in her Petition for Review, the four-year period would have ended in July of 2013. The Board reasoned that the remarks of the SF-50 implied that Agency was aware of the requirement to terminate Employee's term appointment, but it instead opted to extend it beyond the four-year period. Thus, the Board held that if the AJ determined that Employee served in her position beyond the four years; that her position was not supported by grant funds; and that her position was acquired through open competition, then Employee's position was converted to Career Service, permanent status in July of 2013, as she contended. Accordingly, Employee could have only been removed from her position for cause.

Finally, DPR §§ 823.2 and 823.8 required that Employee's appointment must have been acquired through open competition. The record did not address this issue. Therefore, the Board remanded the case to the AJ for consideration on this issue as well.

2014 SF-50 clearly provided the term "probational."[13] However, it noted that it was not clear whether Employee was actually required to serve a second probationary period if the requirements of DPR § 823 were met, or if she served for four years or more continuously as a term employee. Accordingly, the Board suggested that the Administrative Judge adequately consider DPR § 823.10 because if the AJ concluded that Employee was converted to a Career Service, permanent appointment, then Employee may have already served her one-year probationary period with her initial term appointment.[14]

The AJ held a Status Conference on July 26, 2017. He ordered the parties to file briefs addressing the issues set forth in the Opinion and Order on Petition for Review.[15] In her brief, Employee explained that Agency agreed that grant funds were not used to pay her salary. Moreover, she submitted SF-50 documents which provided that she was employed with Agency continuously and without interruption from July 2009 through July 2013. Thus, it was Employee's position that as of July 30, 2013, she was converted to Career Service and could only be removed for cause. Accordingly, she requested that Agency be ordered to reinstate her with backpay for its failure to accord her due process.[16]

Agency filed its Reply Brief on September 13, 2017. In it, Agency conceded that Employee's position was not supported by grant funds but rather from its budget. Moreover, Agency agreed that Employee served in a term appointment continuously from July 2009 until March 2014, which was beyond four years. However, it provided that it was granted the personnel authority by DCHR to make an extension beyond the four years.[17] Furthermore, it

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[13] *Petitioner's Supplemental Brief,* p. 4 (January 19, 2016).
[14] *Sylvia Johnson v. D.C. Fire and Emergence Medical Services*, OEA Matter No. J-0145-15, *Opinion and Order on Petition for Review*, p. 5-8 (June 6, 2017).
[15] *Post Status Conference Order on Remand* (August 1, 2017).
[16] *Employee's Brief* (August 15, 2017).
[17] Additionally, it contested that Employee's personnel records provided that she would not acquire permanent status on the basis of her term appointment.

argued that Employee was initially hired on July 20, 2009, through a non-competitive selection process. Thus, it was Agency's position that because Employee was appointed non-competitively into a locally funded term position, she would have had to compete for a Career Service position. According to Agency, Employee did not compete through a merit selection process until she was rehired in September of 2014.[18] Therefore, it reasoned that Employee was required to serve a second probationary period when her employment started on September 22, 2014. As a result, Agency requested that Employee's Petition for Appeal be dismissed.[19]

On December 12, 2017, the AJ issued his Initial Decision on Remand. He agreed with Employee's argument that her position was acquired through open competition. He relied on the "competitive service" notation in box 34 of Employee's July 20, 2009 SF-50. Moreover, the AJ determined that Employee's term appointment was continuously served for more than four years. Thus, in accordance with DPR § 823.2, when an employee is in a position not supported by grant funds; the position was acquired through open competition; and the employee continuously served in a term position for four years – the Agency then had two options. It could either separate Employee from the District government or convert her appointment to a regular Career Service appointment with permanent status. The AJ found that Agency did not separate Employee from service in July of 2013. Therefore, her position was required to be converted to a regular Career Service appointment with permanent status. Furthermore, the AJ found that Employee's September 22, 2014 SF-50 confirmed that she was reinstated to a Career Service permanent position upon her rehire. The AJ held that pursuant to DPR § 1603.2, because

[18] Consequently, it contended that since her initial appointment was not through open competition, she did not hold a permanent Career Service appointment while she served in her term appointment through March 30, 2014.
[19] *Agency's Reply Brief,* p. 3-6 (September 13, 2017). In her Sur-reply Brief, Employee offered that the classification of an employee's position is usually found in box 34 of the SF-50. Employee explained that the July 20, 2009 SF-50 indicates that her position was "competitive." Additionally, she provided that inter alia, Agency should have provided a job announcement, position description, and compensation classification to produce a complete merit case file in this case. *Sur-reply Brief of Employee Sylvia Johnson,* p. 3-4 (October 3, 2017).

Employee was a permanent Career Service employee, an adverse action could only have been taken for cause. He ruled that Agency did not properly impose an adverse action against Employee; therefore, her termination was reversed.[20]

Thereafter, the matter was appealed to the Superior Court for the District of Columbia. On April 2, 2020, the Superior Court Judge issued his decision. The Court held that the OEA Administrative Judge incorrectly relied on the 2014 version of District Personnel Manual ("DPM")[21] § 823 in rendering his decision. It found that the 2000 version of the regulation was in effect at the time the issues arose related to Employee's term appointment. Therefore, it remanded the matter to the AJ for consideration of the 2000 version of the DPM. The Court did determine that the AJ's ruling that Employee's initial term appointment in July 2009 was obtained through open competition, was based on substantial evidence. It held that the AJ properly concluded that the notation in box 34 of Employee's SF-50 provided that her position was occupied through "competitive service." The Court found that the AJ's reliance on an official employment action form was not misplaced or conclusory. Therefore, it did not disturb the AJ's ruling on this issue.[22]

The AJ held a Status Conference on June 3, 2020. He ordered Agency to provide a copy of the 2000 version of the DPM and a brief addressing which sections of the DPM were applicable. Employee was ordered to submit a response addressing the same.[23]

In Agency's brief, it explained that the 2000 version of DPM § 823.1 provided that "a

[20] *Initial Decision on Remand,* p. 3-5 (December 12, 2017).
[21] As the judge noted in his decision, the DPR and DPM are the same document. Because the Court used DPM in its decision, DPM will be used for the remainder of this Opinion and Order.
[22] *D.C. Fire and Emergency Medical Services v. D.C. Office of Employee Appeals and Sylvia Johnson*, 2018 CA 000821 P(MPA), p. 9-11 (D.C. Super. Ct. April 2, 2020).
[23] *Post-Status Conference Order* (June 3, 2020).

personnel authority may make a term appointment for a period of more than one (1) year when the needs of the service so require[,] and the employment need is for a limited period of four (4) years or less." Agency went on to note that DPM § 823.2 provided that "term appointments may be extended beyond the four-year (4-year) limit with the prior approval of the personnel authority." It argued that the 2000 version of the DPM did not address the consequences of an appointment extended beyond the four-year period that existed in the 2014 version. Therefore, Agency reasoned that Employee's term appointment was never converted to Career Service. Accordingly, it asked that the AJ uphold its termination action against Employee.[24]

In response to Agency's brief, Employee argued that although the July 20, 2013 SF-50 noted that the extension of her term appointment beyond the four-year term was approved by a personnel authority, there was no indication on the January 20, 2014 SF-50 that a second extension of the appointment beyond the four-year limit was ever approved by a personnel authority. It was Employee's position that the 2000 version of DPM § 823.2 did not allow for an extension beyond the four years through mere silence from the personnel authority. Additionally, she contended that although the 2014 requirements were not present in the 2000 version, it was the well-established practice, before the 2014 version became effective, for DCHR to convert an employee's status to Career Service if that employee worked beyond the four-year term appointment, unless there was a specific warning that such a conversion would not occur. Consequently, Employee asserted that her position converted to Career Service on March 30, 2014.[25]

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[24] *Agency's Brief* (July 13, 2020).

[25] *Opposition to Agency's Brief* (August 28, 2020). Agency filed a reply to Employee's opposition brief. It provided that in a document titled "Request for Superior Qualifications/Exceptions," the personnel authority approved the extension of Employee's term appointments, and the form did not include a specific term period for which approval was provided. Moreover, Agency argued that Employee failed to cite to any rule or regulation requiring approval by the personnel authority for each subsequent extension of a term appointment. Therefore, it opined that Employee's argument lacked merit. *Agency's Reply Brief* (September 18, 2020).

On October 8, 2020, the AJ issued his Second Initial Decision on Remand from Superior Court of the District of Columbia. He held that although the 2000 and 2014 versions of DPM § 823.1 are identical, the two versions of DPM § 823.2 are not. The AJ agreed with Agency and found that the two options found in the 2014 version of DPM § 823.2 were not found in the 2000 version. As for Employee's argument that the conversion was a well-established custom, the AJ held that the practice of converting term appointments to Career Service positions was not mandated by any identifiable statute, rule, or regulation. Similarly, he reasoned that Employee failed to cite to any rule or regulation requiring approval from the personnel authority for each subsequent extension of a term appointment beyond four years.[26] Therefore, the AJ ruled that because Agency was granted authority to extend Employee's term beyond four continuous years, Employee was never converted to Career Service status in 2013 when the term appointments exceeded four years. Accordingly, the AJ held that Employee was required to serve a probationary period when she was rehired in September of 2014. Because Employee was within her probationary period when she was terminated, the AJ concluded that OEA lacked jurisdiction to consider her appeal. As a result, the matter was dismissed for lack of jurisdiction.[27]

Employee filed a Petition for Review on November 16, 2020. She argues that throughout the appeal, Agency withheld personnel documents. It is her position that the record does not include all of the pages of the Request for Superior Qualification/Exceptions form. Moreover, Employee asserts that Agency offered no supporting documentation or written justification for the form. Furthermore, Employee questions the authenticity of the July 20, 2013 and January 20, 2014 SF-50s because both were signed by the Director of DCHR, who was not appointed by

[26] Accordingly, the AJ held that the Exceptions form approved on July 30, 2013, was sufficient for Agency to extend more than one term appointment exceeding the four years of term appointments. Thus, the form also applied to Employee's term appointment from January through March 2014.
[27] *Second Initial Decision on Remand from Superior Court of the District of Columbia,* p. 3-5 (October 8, 2020).

Mayor Bowser until August 3, 2015. She, again, contends that Agency did not have prior approval from the personnel authority to extend her term from January through March 2014. Employee, thus, claims that her position was converted to Career Service during the unapproved extension. Hence, she requests that her Petition for Review be granted and that she be reinstated with back pay.[28]

On December 22, 2020, Agency filed its response to Employee's Petition for Review. It opines that the record established that it was authorized to extend Employee's term appointment beyond four years and that her arguments regarding a second approval lack merit. As for the complete nature of the Exceptions form, Agency argues that the AJ based his finding on the document itself; therefore, Employee's position was unsupported by the record. Agency agreed with the AJ's finding that OEA lacked jurisdiction to consider Employee's appeal because she was terminated during her probationary period. Therefore, it requested that Employee's Petition for Review be denied.[29]

Substantial Evidence

OEA Rule 633.3 provides that the Board may grant a Petition for Review when the AJ's decisions are not based on substantial evidence. Substantial evidence is defined as evidence that a reasonable mind could accept as adequate to support a conclusion. The Court in *Baumgartner v. Police and Firemen's Retirement and Relief Board*, 527 A.2d 313 (D.C. 1987), found that if administrative findings are supported by substantial evidence, then it must be accepted even if there is substantial evidence in the record to support a contrary finding.[30]

2000 DPM Version

[28] *Petition for Review*, p. 3-5 (November 16, 2020).
[29] *Agency's Opposition to Employee's Petition for Review* (December 22, 2020).
[30] *Black's Law Dictionary*, Eighth Edition; *Mills v. District of Columbia Department of Employment Services*, 838 A.2d 325 (D.C. 2003); and *Black v. District of Columbia Department of Employment Services*, 801 A.2d 983 (D.C. 2002).

In accordance with the Superior Court remand, the AJ considered Employee's appeal using the 2000 version of the DPM. As the AJ provided in his Second Initial Decision on Remand from Superior Court of the District of Columbia, the relevant sections of the 2000 version of DPM § 823 provide the following:

> 823.1 A personnel authority may make a term appointment for a period of more than one (1) year when the needs of the service so require [,] and the employment need is for a limited period of four (4) years or less.
>
> 832.2 Term appointments may be extended beyond the four-year (4-year) limit with the prior approval of the personnel authority.

The documents in the record provide that Employee served in a term appointment from July 20, 2009 through July 19, 2013. However, on July 16, 2013, before the four-year term ended, Agency submitted a Request for Superior Qualifications/Exceptions form. The form noted Agency's request for DCHR to extend Employee's term appointment past the four-year term. The form was signed and approved by DCHR on July 30, 2013.[31] Thus, Agency adequately proved that it requested prior approval from the personnel authority before extending Employee's term appointment beyond the four-year period. Moreover, the 2000 version of DPM § 823.7 provides that "a term employee shall not acquire permanent status on the basis of his or her term appointment and shall not be converted to a regular Career Service appointment without further competition, unless eligible for reinstatement." Accordingly, there is substantial evidence in the record to support the AJ's ruling that because Agency was granted the authority to extend Employee's term beyond four continuous years, Employee was never converted to Career Service status in 2013 when the term appointments exceeded the four years.[32]

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[31] *Agency's Reply Brief*, Attachment #6 (September 13, 2017) and *Agency's Brief*, Attachment #1 (July 13, 2020).

[32] As for Employee's argument that Agency did not have approval for each term extension period past the four-year period, we agree with the AJ's holding that there is no rule or regulation requiring approval from the personnel authority for each subsequent extension of a term appointment beyond four years. Additionally, as Agency provided

Probationary Period

Because Employee's term appointment could not have converted to a Career Service appointment under the 2000 version of the DPM, the AJ correctly concluded that Employee was required to serve a new probationary period when she was re-hired on September 22, 2014. The 2000 version of DPM § 813.1 provides that "a person who is given a Career Service Appointment (Probational), shall be required to serve a probationary period for one (1) year. . . ." Moreover, DPM § 814.1 provides that ". . . an agency shall terminate an employee during the probationary period whenever his or her work performance or conduct fails to demonstrate his or her fitness or qualifications for continued employment." Employee was hired on September 22, 2014. She was removed from her position effective August 21, 2015, because her "work performance fail[ed] to demonstrate [her] suitability and qualifications for continued employment."[33] This was nearly one month before the expiration of the required one-year probationary period. Therefore, there is substantial evidence to support the AJ's ruling that OEA lacked jurisdiction to consider her appeal because she was a probationary employee who had not secured permanent status.[34] Furthermore, DPM § 813.11 provides that "a probationer may appeal a termination under this section in accordance with the D.C. Human Rights Act of 1977, § 1-2501 et seq., D.C. Code (1981)." Thus, jurisdiction over probationary employees was not accorded to OEA. Consequently, we must deny Employee's Petition for Review.

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in its September 18, 2020 Reply Brief, the "Request for Superior Qualifications/Exceptions" form did not include a specific term period for which approval was provided. In the absence of a clear statutory or regulatory requirement, there is no reason for this Board to disturb the AJ's ruling on this issue.

[33] *Agency's Reply Brief,* Attachment #12 (September 13, 2017).

[34] As for Employee's allegations regarding the authenticity of documents, this Board will uphold the AJ's ruling on this issue. As the AJ provided, Employee relied on SF-50 documents within the record to support her position throughout the appeal before OEA and before the Superior Court for the District of Columbia. The language of the SF-50 documents that Employee provided are the exact same as those provided by Agency, with the exception of signatures on some documents while others are blank. Employee does not contest the substance of the notations made on these forms. Even if we used the SF-50 forms that Employee provided, there is still substantial evidence to uphold the AJ's rulings in this case.

ORDER

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

FOR THE BOARD:

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Clarence Labor, Jr. Chair

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Patricia Hobson Wilson

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Jelani Freeman

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Peter Rosenstein

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Dionna Maria Lewis

Either party may appeal this decision on Petition for Review to the Superior Court of the District of Columbia. To file a Petition for Review with the Superior Court, the petitioning party should consult Superior Court Civil Procedure Rules, XV. Agency Review, Rule 1.