

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:	)	
	)	
DELORES JUNIOUS	)	
Employee	)	
	)	
	)	OEA Matter No. 1601-0057-01
v.	)	
	)	Date of Issuance: September 27, 2004
	)	
D.C. CHILD AND FAMILY SERVICES	)	
Agency	)	
	)	
_____	)	

**OPINION AND ORDER**  
**ON**  
**PETITION FOR REVIEW**

Agency removed Employee from her position as a Social Worker based on the charges of continuous discourteous treatment of a supervisor, failure to follow the proper procedures in filing complaints, and misuse of the e-mail system. The removal took effect on April 20, 2001. Employee filed a Petition for Appeal with this Office on June 22, 2001. Realizing that Employee had filed her petition beyond the statutory time period that is allowed for filing an appeal, the Administrative Judge ordered Employee on

September 4, 2003, to submit a statement that explained why she had filed her appeal out of time. The statement was due September 19, 2003. Because the Administrative Judge did not receive Employee's statement, she issued an Initial Decision on October 7, 2003 that dismissed Employee's appeal for failure to prosecute.

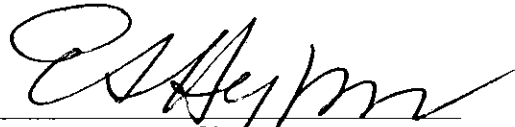
Employee has filed a Petition for Review contesting the dismissal of her appeal. In her Petition for Review Employee claims that because the post office failed to forward her mail to her new address in a timely manner, she did not receive this Office's September 4, 2003 correspondence until sometime in November, 2003. Further, Employee argues that Agency failed to inform her of its final decision to terminate her employment. In fact, according to Employee, she did not learn of Agency's decision until a month later when her representative informed her that he had received from Agency its final disposition of Employee's appeal. Employee has attached to her Petition for Review the envelope indicating the date on which the post office forwarded this Office's correspondence to her. Additionally, Employee has attached the cover letter which her representative wrote when he forwarded to her Agency's final decision.

We believe that based on Employee's contentions coupled with the documentary evidence she provided, a remand of her appeal is warranted. We caution Employee, however, that pursuant to this Office's rules, she is to keep this Office apprised of a change in her address. Failure to inform this Office of such may result in further sanctions consistent with this Office's rules. For the foregoing reasons, we grant Employee's Petition for Review and remand this appeal for proceedings consistent with this order.

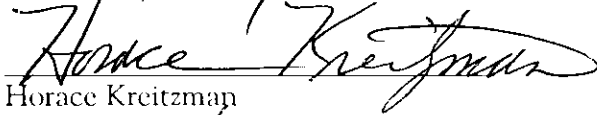
ORDER

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

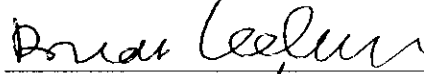
FOR THE BOARD:



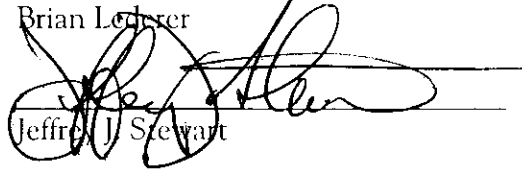
Erias A. Hyman, Chair



Horace Kreitzman



Brian Lehrer



Jeffrey J. Stewart

Keith E. Washington

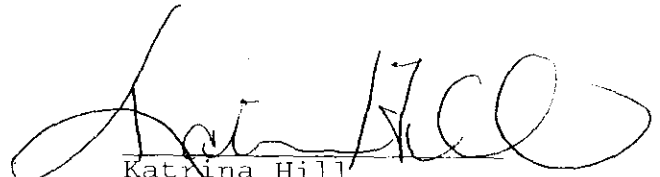
The Initial Decision in this matter shall become a final decision of the Office of Employee Appeals 5 days after the issuance date of this order. An appeal from a final decision of the Office of Employee Appeals may be taken to the Superior Court of the District of Columbia within 30 days after formal notice of the decision or order sought to be reviewed.

CERTIFICATE OF SERVICE

I certify that the attached **OPINION AND ORDER** was sent by regular mail this day to:

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Washington, DC 20001



Katrina Hill  
Clerk

September 27, 2004  
Date