

NICHOLAS CARBONE v. U.S. General Accounting Office

Docket No. 72-704-02-85

Date of Decision: January 21, 1988

Cite as: Carbone v. GAO, Docket No. 72-704-02-85 (1/21/88)

Before: Jessie James, Jr., Chairman

Headnotes:

Good Cause

Motions Practice

Request for Reconsideration

ORDER

BEFORE THE
PERSONNEL APPEALS BOARD
U.S. GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C.

NICHOLAS CARBONE)	
)	
PETITIONER)	Docket No. 72-704-02-85
)	
V.)	
)	
GENERAL ACCOUNTING OFFICE)	
)	
RESPONDENT)	
)	

ORDER

On October 26, 1987 Respondent filed a motion requesting the Board to Reopen and Reconsider the August 31, 1987 decision of the Presiding Member finding that Respondent had subjected Petitioner to unlawful age discrimination. On December 23, 1987 Petitioner, through counsel, filed his opposition to the Motion to Reopen and Reconsider. Respondent has since filed a request for permission to file a response to Petitioner's opposition.

As a general practice, we usually decline to grant requests to file additional pleadings of this type, where the parties' initial pleading or briefs are sufficient to guide us through a proper review of the issues raised by the parties. However, our Regulations do provide for additional responsive pleadings, where the circumstances of the case so warrant. 4 CFR §28.25(c). The circumstances of this case show such exigency:

1) There has been a change in Agency counsel, and the new counsel for the Agency is unfamiliar with the case;

2) Petitioner, a non-lawyer, was pro se in the hearing below, and has recently retained counsel to assist in his appeal;

3) Petitioner's counsel has acquiesced to this motion.

Accordingly, good cause has been shown, the Agency's motion is hereby granted.

Further, it is hereby ORDERED that Respondent shall have until January 19, 1988, to file a response to Petitioner's opposition to the Agency motion for reconsideration.