

**ANGEL 'LA V. GARNER v. U.S. General Accounting Office**

**Docket No. 90-02**

**Date of Decision: July 18, 1990**

**Cite as: Garner v. GAO, Docket No. 90-02 (7/18/90)**

**Before: Isabelle R. Cappello, Administrative Judge**

**Headnotes:**

**Dismissal**

**Exhaustion of Remedies**

**Filing of a Petition**

**Motions Practice**

**Timeliness - General**

**ORDER DISMISSING PETITION FOR REVIEW**



for Review. The Amended Petition specifically raises the issue of prohibited discrimination. It does not state whether any internal appeals had been filed.

Prior to invoking the Board's procedures in a case alleging prohibited discrimination, a complaint must first be filed with the GAO in accordance with GAO Order 2713.2. See the rule of this Board set forth in 4 CFR 28.98(a) (1989). This rule was specifically referenced in my Order of May 11, 1990.

Under the circumstances set forth above, the appropriate sanction is to dismiss the Petition for Review and Amended Petition for Review, without prejudice to a refiling in accordance with the rules of the Board as discussed above. See 4 CFR 28.24, which outlines some of the sanctions upon the parties which an administrative judge may impose in order to serve the ends of justice.

Accordingly, it is hereby ORDERED that:

(1) The Petition for Review and Amended Petition for Review are dismissed without prejudice; and

(2) The hearing dates and other dates set forth in the Order of May 11, 1990 are cancelled.

SO ORDERED, this 18 day of July, 1990.

  
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Isabelle R. Cappello  
Administrative Judge