

**ROBERTA H. GASTON v. U.S. General Accounting Office**

**Docket No. 99-02**

**Date of Decision: June 14, 2002**

**Cite as: Gaston v. GAO, Docket No. 99-02 (6/14/02)**

**Before: Jeffrey S. Gulin, Administrative Judge**

**Headnotes:**

**Discovery**

**Reasonable Accommodation**

**Request for Reconsideration**

**MEMORANDUM AND ORDER**



prior conclusion of either investigative unit. Petitioner nevertheless had the opportunity to present evidence to the Board of matters that had been raised at the CRO and PAB/OGC.<sup>1</sup> Moreover, the Agency's effort to have the claims arising before April 7, 1996 dismissed was rejected as too narrow in view of Petitioner's allegation concerning the failure to accommodate.

All the evidence of record was considered in rendering the Decision. Petitioner's Request for Reconsideration raises no error or omission that would warrant re-opening the matter. Petitioner's Request for Reconsideration is, accordingly, denied.

Petitioner may appeal the April 25 Decision to the full Board, raising such grounds as she deems appropriate, including matters raised in the Request for Reconsideration that she may choose to present to the full Board rather than to the administrative judge who rendered the Decision under review. Pursuant to 4 C.F.R. §29.87(b), Petitioner may file a notice of appeal to the full Personnel Appeals Board within 15 days of service of this Memorandum and Order. The grounds for granting an appeal from an initial decision are appended hereto, as set forth in 4 C.F.R. §28.87(g).

If Petitioner chooses to appeal to the full Board, she has 25 days after filing the notice of the appeal to file and serve a supporting brief. The supporting brief must

Identify with particularity those findings or conclusions in the initial decision that are challenged and shall refer specifically to the portions of the record and the provisions of statutes or regulations that assertedly support each assignment of error.

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<sup>1</sup> Petitioner's Request for Reconsideration raises an allegation that she was precluded from proving "a pattern of GAO reprisals" when she was not allowed to introduce the CRO report into evidence. Request at 4. As stated in the Decision (at 2 n.1), the reprisal issue was not raised in the Petition for Review and was only introduced in Petitioner's Post-Hearing Brief. Reprisal was therefore not properly in issue in this matter.

4 C.F.R. §28.87(c). The Agency would have 25 days from service of Petitioner's brief in which to file a responsive brief, and Petitioner may file a reply brief within 10 days of service of GAO's brief.

**SO ORDERED.**

DATED 6-14-02

JS  
Jeffrey S. Gulin  
Administrative Judge