

Appeal Victory Protects Rights of Pro Se Litigants in Administrative Tribunal

In an appeal litigated by the Legal Aid Society, the D.C. Court of Appeals held that the Office of Administrative Hearings (OAH) had “unreasonably exalted form over substance” in refusing to exercise jurisdiction over a low-income worker’s administrative appeal of a denial of unemployment benefits. The claimant, acting *pro se*, filed her appeal notice by fax, as OAH’s rules allowed, but did not submit the hard copy of the appeal notice within the next three days, as OAH’s rules then required. The Court of Appeals held that the claimant’s failure to supply the hard copy of her faxed appeal notice was not the sort of error that deprives a tribunal of jurisdiction over a case. The Court also held that OAH erred in not giving the employee the benefit of an amendment of its rules, which generally eliminated the hard copy requirement, that took effect shortly after OAH’s dismissal of her case and while her motion for reconsideration was pending. The case is *Coto v. Citibank FSB*, No. 05-AA-629, 2006 D.C. App. LEXIS 644 (D.C. Dec. 14, 2006).