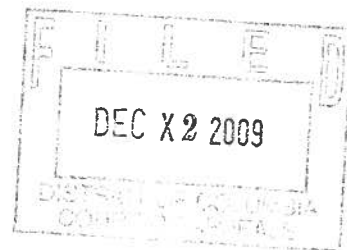


**District of Columbia  
Court of Appeals**



No. 09-AA-469

DAPHNE L. BARBEE,

Petitioner,

v.

ESP 111703-08

BRIGHT HORIZONS  
CHILDREN'S CENTER,

Respondent.

BEFORE: Glickman and Thompson, Associate Judges and Nebeker, Senior Judge.

**ORDER**

On consideration of petitioner's motion for summary reversal, the partial record transmission of the original envelope mailed to the Office of Administrative Hearings containing petitioner's appeal of the Claims Examiner's Determination, and it appearing that the envelope bears both a largely illegible Washington D.C. post-mark as well as an October 21, 2009 Maryland postmark, and as this Court takes judicial notice that mail posted in the District of Columbia may leave the District for processing before being returned to the District for delivery, making it probable that the administrative appeal was postmarked in the District prior to October 21, 2009 and thus was timely filed, and considering that the agency dismissed the appeal as untimely, it is

ORDERED that the motion for summary reversal is granted and the order on appeal is hereby vacated. It is

FURTHER ORDERED that the case is hereby remanded to the agency for a determination on the merits of petitioner's appeal.

PER CURIAM

Copies to:

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Washington, D.C. 20005

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Watertown, MA 02471

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Washington, DC 20002