

Notice: This decision may be formally revised before it is published in the *District of Columbia Register*. Parties should promptly notify the Administrative Assistant of any formal errors so that this Office can correct them before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

| | | |
|-----------------------------|---|------------------------------------|
| _____ |) | |
| In the Matter of: |) | |
| |) | |
| MILDRED V. SCRANAGE |) | |
| Employee |) | |
| |) | |
| |) | OEA Matter No. 2401-0057-02P04 |
| |) | |
| v. |) | |
| |) | Date of Issuance: January 27, 2005 |
| |) | |
| DEPARTMENT OF MENTAL HEALTH |) | |
| Agency |) | |
| |) | |
| _____ |) | |

OPINION AND ORDER
ON
PETITION FOR REVIEW

Employee was a Personnel Assistant in the Career Service at the time that Agency abolished her position and separated her from District government service pursuant to a modified reduction-in-force (RIF). Employee appealed that action to the Office of Employee Appeals (Office). On October 24, 2003, the Administrative Judge issued an Initial Decision that upheld Agency's action. Employee argued before the Administrative

Judge that Agency's action was unfair for the following reasons: Agency had failed to consider her satisfactory performance rating when it calculated the number of years that would be credited to her for the purpose of determining her retention standing; Agency had improperly caused Employee to perform the duties of a receptionist; and Agency had failed to consider furloughs and other methods before it RIF'd her. The Administrative Judge found that none of these actions negated the legality of the RIF and that Agency conducted the RIF in accordance to the applicable laws, rules, and regulations. Thus Agency's action was upheld.

On March 4, 2004, Employee filed a Petition for Review contesting the Initial Decision. Summarizing what Employee stated in her petition, essentially she believes that this Office has failed to adequately adjudicate her appeal. We, however, disagree with Employee. The Administrative Judge conducted a prehearing conference in this appeal on October 20, 2003. Prior to the conference, the parties were informed that during the conference they would be allowed to submit any documentation they had that would be advantageous to their respective positions. Further, both parties were to submit a prehearing statement prior to the conference.

It appears from the record that both Agency and Employee made such a submission. Based on these submissions, the Administrative Judge determined that an evidentiary hearing would not be necessary. Having all that he needed to render a decision, the Administrative Judge then issued the Initial Decision. We find nothing in the record to indicate that this Office did not properly adjudicate Employee's appeal. Further, Employee has not raised in her Petition for Review anything that would so

indicate. Therefore, we uphold the Initial Decision and deny Employee's Petition for Review.

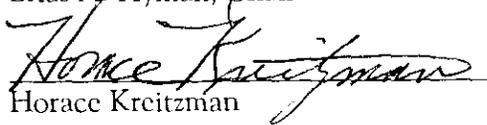
ORDER

Accordingly, it is hereby **ORDERED** Employee's Petition for Review is **DENIED**.

FOR THE BOARD:

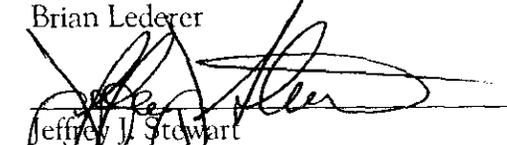


Erias A. Hyman, Chair

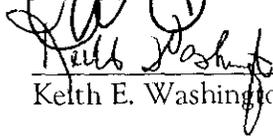


Horace Kreitzman

Brian Lederer



Jeffrey J. Stewart



Keith E. Washington

The Initial Decision in this matter shall become a final decision of the Office of Employee Appeals 5 days after the issuance date of this order. An appeal from a final decision of the Office of Employee Appeals may be taken to the Superior Court of the District of Columbia within 30 days after formal notice of the decision or order sought to be reviewed.