

Notice: This decision may be formally revised before it is published in the *District of Columbia Register*. Parties should promptly notify the Office Manager 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:	)	
	)	
JERALD J. WOODY	)	
Employee	)	
	)	OEA Matter No.: 1601-0058-02
v.	)	
	)	Date of Issuance: May 17, 2006
DEPARTMENT OF PUBLIC WORKS	)	
Agency	)	
	)	

OPINION AND ORDER  
ON  
PETITION FOR REVIEW

Jerald J. Woody ("Employee") was a Staff Assistant with the Department of Public Works ("Agency"). Because Employee had been excessively absent from work, Agency placed him on an Absence Without Official Leave ("AWOL") status. Agency proposed terminating Employee; however, it does not appear that Agency ever took this action. On March 22, 1002 Employee filed a Petition for Appeal with the Office of Employee Appeals ("OEA" or "Office").

During the trial of this appeal, the Administrative Judge informed Employee of the fact that this Office does not have jurisdiction over appeals that challenge an agency's

decision to place an employee in an AWOL status. A challenge to this type of decision is a grievance that, if permissible, must be challenged through an agency's grievance process. Employee was further informed that if Agency's action resulted in him being removed, suspended for at least 10 days, or reduced in grade, then he must submit the final agency decision which memorialized such action.

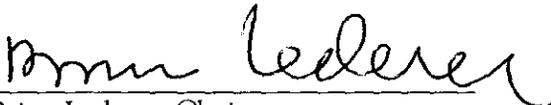
Employee never submitted a final agency decision. Thus on June 2, 2003 the Administrative Judge issued an Initial Decision wherein she dismissed Employee's appeal for lack of jurisdiction and for Employee's failure to prosecute the appeal.

Subsequently, Employee filed a Petition for Review. Employee's Petition for Review consists of leave slips, medical certificates, and financial documents. It also contains a document which states that Agency is authorized to initiate a removal action against Employee. Employee does not include with this submission any documentation which demonstrates that Agency did in fact remove him from his position. Just because Agency was authorized to initiate a removal action against Employee does not sufficiently demonstrate that Agency followed through with this action. Employee has not given us any reason to reverse the Initial Decision. As such, we uphold the Initial Decision and deny Employee's Petition for Review.

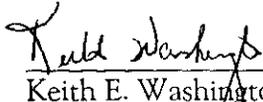
ORDER

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

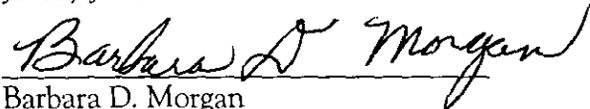
FOR THE BOARD:

  
\_\_\_\_\_  
Brian Lederer, Chair

\_\_\_\_\_  
Horace Kreitzman

  
\_\_\_\_\_  
Keith E. Washington

\_\_\_\_\_  
Jeffrey J. Stewart

  
\_\_\_\_\_  
Barbara D. Morgan

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.