DISTRICT OF COLUMBIA
OFFICE OF EMPLOYEE APPEALS

NOTICE OF PUBLIC MEETING

The District of Columbia Office of Employee Appeals will hold a meeting on September 24, 2026, at 9:30 a.m. The Board will meet remotely. Below is the agenda for the meeting.

Members of the public are welcome to observe the meeting. In order to attend the meeting, please visit: https://dcnet.webex.com/dcnet/j.php?MTID=m9a462db854649514e21409a11546a75d

Password: Board (26274 from phones and video systems)

We recommend logging in ten (10) minutes before the meeting starts. In order to access Webex, laptop or desktop computer users must use Google Chrome, Firefox, or Microsoft Edge Browsers.

Smartphone/Tablets or iPad user must first go to the App Store, download the Webex App (Cisco Webex Meetings), enter the Access Code, and enter your name, email address, and click Join. It is recommended that a laptop or desktop computer be utilized for this platform.

Your computer, tablet, or smartphone's built-in speaker and microphone will be used in the virtual meeting unless you use a headset. Headsets provide better sound quality and privacy.

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Questions about the meeting may be directed to wynter.clarke@dc.gov.

Agenda
D.C. OFFICE OF EMPLOYEE APPEALS ("OEA") BOARD MEETING
Thursday, September 24, 2026, at 9:30 a.m.
Location: Virtual Meeting via Webex

I. Call to Order

II. Ascertainment of Quorum

III. Adoption of Agenda

IV. Minutes Reviewed from Previous Meeting

V. New Business

A. Summary of Cases

1. **Employee v. D.C. Fire & Emergency Medical Services, OEA Matter No. 1601-0022-25R26 –** This matter was previously before this Board. Employee worked as a Firefighter/Paramedic with the D.C. Fire and Emergency Medical Services Department ("Agency"). On January 3, 2025, Agency served Employee with a Final Agency Decision charging him with neglect of duty – violating the Department's protocols and making false statements during a Departmental investigation. According to Agency, on October 30, 2023, Employee was observed administering an intramuscular Narcan injection through multiple layers of the patient's clothing without conducting an assessment. Another Firefighter/Emergency Medical Technician filed a complaint with Agency regarding Employee's misconduct. During the investigation, Agency secured footage of a body-worn camera showing Employee's actions. Subsequently, he was terminated.

On January 31, 2025, Employee filed a Petition for Appeal with the Office of Employee Appeals ("OEA"). He acknowledged administering the Narcan injection through the patient's clothing. However, Employee argued that administering Narcan through clothing was a common practice among paramedics at Agency. Additionally, he claimed that the patient suffered no adverse effects from the injection. Employee contended that he should have gone through retraining instead of being charged with the adverse action brought before the Fire Trial Board ("FTB"). He explained that when Agency considered its penalty, his adverse action was compared with two other cases that were not similarly situated to his. As a result, Employee requested that he be reinstated to his previous position.

Agency filed its Answer to Employee's Petition for Appeal on February 26, 2025. It argued that Employee's admission of misconduct warranted termination. Agency contended that Employee's gross negligence of administering Narcan injections through clothing violated its written policies and protocols in paramedic training. Additionally, it noted that Agency's FTB considered the *Douglas* factors before reaching its decision to terminate Employee. As a result, Agency requested that Employee's removal action be upheld.

On June 25, 2025, the matter was decided by the OEA Administrative Judge ("AJ") on procedural grounds. Employee's appeal was dismissed by the AJ. However, the OEA Board remanded the case to the AJ for consideration on the merits of the appeal.

On remand, the AJ requested that the parties submit briefs addressing (1) whether Agency's adverse action against Employee was supported by substantial evidence; (2) whether there was harmful procedural error with the Trial Board's decision; and (3) whether Agency's action was done in accordance with all applicable laws and regulations. In his brief, Employee asserted that the adverse action was not supported by substantial evidence. He maintained that he did not contest the misconduct related to his failure to follow protocol to remove the patient's clothing before administering Narcan. However, Employee argued that he did not willfully provide misleading statements but rather, misremembered that the patient's sleeve was rolled up, when that was not the case. Employee also contended that the FTB committed harmful procedural error by not considering his potential for rehabilitation and failing to consider relevant testimony related to his character and intentions. Additionally, he claimed that Agency misapplied the *Douglas* factors and abused its discretion in recommending termination.

In response, Agency contended that Employee did not contest that he violated the Patient's Bill of Rights, Departmental Order Book Article VII, and District Personnel Manual ("DPM") § 1603.3(f)(3) by injecting the patient with Narcan through his clothes and not using the aseptic technique. It explained that this violation amounted to serious misconduct. Additionally, Agency argued that Employee made false statements that were inconsistent with what was recorded on the body-worn camera depicting his actions during the incident. It maintained that the FTB's determination that termination was warranted, was supported by substantial evidence and constituted a reasonable exercise of Agency's managerial discretion. Moreover, Agency asserted that the FTB conducted a reasoned analysis of the relevant aggravating and mitigating *Douglas* factors in determining the appropriate penalty.

The AJ issued a decision on May 26, 2026. She held that the FTB met its burden of proof for Charge No. 1, Specification No. 1 because Employee violated the Patient Bill of Rights and the Department's Mission Statement, Vision Statement, and Core Values by administering the Narcan injection through the patient's clothing. The AJ noted that Employee admitted that he engaged in the conduct alleged. Accordingly, she ruled that there was substantial evidence to support the FTB's finding that Employee was guilty of violating Agency's protocol.

However, as for Charge No. 2, Specification No. 1, the AJ found that Agency failed to prove that Employee knowingly made contradictory statements. She determined that even if she assumed that Employee made contradictory statements during the investigation, Agency did not establish that the statements were made with the intent to willfully mislead the investigator. Accordingly, the AJ ruled that Agency could not rely on Charge 2, Specification 1 to discipline Employee.

As for the appropriateness of Agency's penalty, the AJ determined that the range of penalty for the first offense of Charge 1, Specification 1 was counseling to removal. However, she opined that Agency exceeded the exercise of its managerial discretion. The AJ also found that Agency failed to consider the testimony of several witnesses and the growing trend of paramedics administering Narcan through a patient's clothing. As a result, she ruled that Agency's penalty determination did not balance the *Douglas* factors and was based on an unreasonable assessment of the record. Therefore, she provided her own assessment of *Douglas* Factors 1, 3, 4, 6, 9, 10, and 12. As a result, she ordered that Employee be reinstated with all backpay and benefits lost as a result of the termination.

Agency filed a Petition for Review with the OEA Board on June 29, 2026. It agrees with the AJ's finding that it had cause for Charge No. 1, Specification No. 1 that Employee failed to follow protocol when treating a patient. As it relates to Charge No. 2, Specification No. 1, Agency argues that the AJ failed to give deference to the FTB's factual and credibility findings that Employee made statements that were contradicted by the video evidence. Agency reasons that it was statutorily within its discretion to discharge Employee for cause. It contends that OEA improperly substituted its judgement for that of Agency by disagreeing with its consideration of the *Douglas* factors. Agency also opines that because termination was within the range of penalty, there was no need for OEA to mitigate its penalty. It maintained that it engaged in a reasoned consideration of the *Douglas* factors. Therefore, it requests that the Petition for Review be granted and that Employee's termination be affirmed.

On August 24, 2026, Employee filed his response to Agency's Petition for Review. He argues that Agency lacked substantial evidence to support Charge No. 2, Specification No. 1, concerning him willfully and knowingly making false statements and that the AJ's decision was not based on an erroneous interpretation of statute, regulation, or policy. As for Charge No. 1, Specification 1, he maintains that the AJ correctly determined that although termination was within the range of penalties permitted by law, Agency failed to conduct a balanced consideration of the *Douglas* factors. Therefore, Employee requests that the Petition for Review be denied.

2. **Employee v. Metropolitan Police Department, OEA Matter No. 1601-0036-23-R26** — This matter was previously before the Board. Employee worked as a Legal Instruments Examiner with the Metropolitan Police Department ("Agency"). On November 15, 2022, Agency issued Employee a Fifteen-Day Advance Written Notice of Proposed Removal. The notice charged Employee with two counts of conduct prejudicial to the District government and one count of unethical or improper use of official authority or credentials pursuant to Chapter 6-B, Sections 1607.2(a)(3), 1605.5(a), 1607.2(a)(5), and 1607.2(a)(9) of the D.C. Municipal Regulations ("DCMR"). The charges stemmed from Employee's July 17, 2022, arrest on four counts of carrying a pistol without a

license; possession of a large capacity ammunition feeding device; possession of an unregistered firearm; and unlawful possession of ammunition. The effective date of her termination was March 6, 2023.

Employee filed a Petition for Appeal with the Office of Employee Appeals ("OEA") on March 21, 2023, asserting that her termination was wrongful. Agency's March 29, 2023, answer contended that Employee's removal was appropriate in light of the *Douglas* factors. On May 21, 2023, the OEA Administrative Judge ("AJ") ordered the parties to submit briefs in support of their positions.

The AJ issued an Initial Decision on September 5, 2025. She held that Agency established cause to discipline Employee for prejudicial conduct as outlined in Charges Nos. 1 and 2. However, the AJ reversed Charge No. 3 because Agency failed to establish that Employee engaged in unethical or improper use of official authority or credentials during her arrest. As for the penalty, she concluded that a first violation of 6-B DCMR § 1607.2(a)(3) (Charge No. 1) was limited to placement enforced leave pending criminal prosecution. She provided that the maximum penalty for a first violation of 6-B DCMR § 1607.2(a)(5) (Charge No. 2) was a thirty-day suspension. Because termination exceeded what was permissible under the Table of Illustrative Actions ("TIA"), the AJ reversed Employee's termination; modified Charge No. 1 to place Employee on enforced leave from March 6, 2023, to January 27, 2025; and imposed a thirty-day suspension for Charge No. 2.

Agency's October 7, 2025, Petition for Review contended that the AJ erred by failing to address its argument that Employee violated 6-B DCMR § 1605.5(a) as it related to Charge No. 1. It averred that the AJ misquoted the language of the charge in her decision and also failed to determine whether termination could be sustained under § 1605.5(a). Lastly, Agency claimed that the AJ erred by reversing Charge No. 3.

The OEA Board issued an Opinion and Order on Petition for Review on January 29, 2026. It held that because the AJ failed to address 6-B DCMR § 1605.5(a) as provided in Charge No. 1, it could not determine if the Initial Decision was based on substantial evidence. As a result, the matter was remanded to the AJ for additional briefing. On February 4, 2026, the AJ issued an order directing the parties to address whether Agency established cause to charge Employee with a violation of § 1605.5(a) and to determine the appropriate penalty.

In its brief, Agency argued that Charge No. 1 was taken for cause pursuant to 6-B DCMR § 1605.5(a) because it was undisputed that Employee was arrested, charged, and indicted for criminal offenses. As it related to the penalty, Agency suggested that absent an explicit penalty in the Table of Illustrative Actions for § 1605.5(a), the AJ should be guided by General Order ("GO") 120.21. It reasoned that termination was the presumptive penalty for engaging in conduct that constitutes a crime under the Table of Penalties provided in the GO. As a result, Agency opined that removal, and not placement on enforced leave, was the appropriate penalty for Charge No. 1. Consequently, it requested that Employee's removal be sustained.

In response, Employee asserted that she never intended to violate the law and highlighted that all criminal charges against her were dismissed by the U.S. Attorney's Office. She further submitted that the imposed discipline exceeded what was legally permitted; Agency was required to consider mitigating factors, including her lack of disciplinary history; and OEA has upheld the imposition of suspensions rather than termination in cases similar to hers. Therefore, Employee maintained that removal exceeded the bounds of reasonableness.

The AJ issued an Initial Decision on Remand on May 29, 2026. She held that Agency established cause to discipline Employee pursuant to 6-B DCMR § 1605.5(a) under Charge No. 1 because Employee was arrested and charged with conduct constituting criminal offenses, noting that the charge did not require a criminal conviction. However, the AJ rejected Agency's reliance on GO 120.21 to justify termination because Employee was not a sworn member of the Metropolitan Police Department and because the GO did not provide a penalty for conduct that constitutes a crime absent a conviction. Instead, the AJ treated the language of § 1605.5(a) as analogous to that of § 1607.2(a)(3). She provided that under this section, the prescribed penalty for a first offense of indictment or charge of any felony or criminal offense that is related to the employee's duties or his or her agency's mission was enforced leave pending criminal prosecution. Because Agency terminated Employee while her criminal case remained pending, the AJ concluded that termination exceeded the maximum allowable penalty for Charge No. 1, notwithstanding Agency's consideration of the *Douglas* factors. Thus, consistent with the September 5, 2025, Initial Decision, the AJ reversed Employee's termination for Charge No. 3; modified Charge No. 1 to place Employee on enforced leave from March 6, 2023, to January 27, 2025; and imposed a thirty-day suspension for Charge No. 2.

Agency filed a second Petition for Review with the OEA Board on July 6, 2026. It asserts that the AJ erroneously found that termination was not a permissible penalty for engaging in conduct that constitutes a crime under GO 120.21. According to Agency, the GO's Table of Penalties places Employee's conduct in the "Termination Offenses" tier. Therefore, it reasons that removal was authorized for Charge No. 1. It further opines that after considering the *Douglas* factors, the AJ was required to defer to management's reasonable selection of that penalty rather than substituting her own judgment. Lastly, Agency submits that the AJ relied on inapplicable case law in support of her conclusion. As a result, it requests that the Initial Decision on Remand be reversed.

B. Public Comments on Petitions for Review

C. Deliberations – This portion of the meeting will be closed to the public for deliberations in accordance with D.C. Code § 2-575(b)(13).

D. Open Portion Resumes

E. Final Votes on Cases

F. Public Comments

VI. Adjournment

"This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at opengovoffice@dc.gov."