

Agenda

D.C. OFFICE OF EMPLOYEE APPEALS (OEA) BOARD MEETING

Tuesday, December 10, 2013 at 11:00 a.m.

Location: 1100 4th Street, SW

Room 380E

Washington, DC 20024

I. Call to Order

II. Ascertainment of Quorum

III. Adoption of Agenda

IV. Minutes Reviewed from Previous Meeting

V. Old Business

A. Vera Abbott - Darryl Gorman, Executive Director of the D.C. Office of Boards and Commissions, will swear in Ms. Abbott for the start of her new term.

B. Board Vacancy – Darryl Gorman will provide an update of where we are in the process of filling the vacant position.

VI. New Business

A. Public Comments

B. Summary of Cases

- 1. Charles Alexander v. D.C. Public Schools** – Employee was separated from his position as an ET-15 Social Studies Teacher pursuant to a reduction-in-force. He filed a Petition for Appeal with OEA on December 2, 2009. The Administrative Judge ruled to uphold Agency's action against Employee. Employee filed a Petition for Review with the OEA Board on July 16, 2012. He argued that the Initial Decision did not address material issues of fact or law raised on appeal.
- 2. Linda DuBuclet v. D.C. Public Schools** – Employee was separated from her position as a Special Education Teacher pursuant to a reduction-in-force. She filed a Petition for Appeal with OEA on December 2, 2009. The Administrative Judge ruled to uphold Agency's action against Employee. Employee filed a Petition for Review with the OEA Board on August 9, 2012. She argued that the Initial Decision was based on an erroneous interpretation of statute, regulation, or policy; the AJ's findings were not based on substantial evidence; and the Initial Decision did not address all issues of law and fact raised in the appeal.
- 3. Betty Thames v. D.C. Public Schools** – Employee was separated from her position as a Business Manager pursuant to a reduction-in-force. She filed a Petition for Appeal with OEA on November 13, 2009. The Administrative Judge ruled to uphold Agency's action against Employee. Following the issuance of the Initial Decision, Employee filed a brief on August 24, 2012. The brief serves as

Employee's Petition for Review. She asserted that the Principal's statements in the Competitive Level Documentation Form were untruthful.

C. Motion to Expedite

1. **Ilbay Ozbay v. Department of Transportation** – In this matter, Agency filed a Petition for Review of an Amended Initial Decision on Remand on July 3, 2013. Employee motioned to expedite the Board's review of this case because he has been without pay for more than five years. As a result, he argues that he has suffered substantial consequences and has been unable to find alternative employment. Additionally, he contends that Agency's Petition for Review was based on an argument that was not preserved before the Administrative Judge.

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

E. Open Portion Resumes

F. Final Votes on Cases

G. Public Comments

VII. Adjournment