

Minutes

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

Thursday, June 30, 2022

Location: Virtual Meeting Via Webex

Persons Present: Lasheka Brown (OEA General Counsel), Sheila Barfield (OEA Executive Director), Sommer Murphy (OEA Deputy General Counsel), Clarence Labor, Jr. (OEA Board Chair), Patricia Hobson Wilson (OEA Board Member), Jelani Freeman (OEA Board Member), Peter Rosenstein (OEA Board Member), Dionna Maria Lewis (OEA Board Member), Wynter Clarke (OEA Paralegal), Employee 2 (Member of the Public), Employee 3 (Member of the Public), Employee 4 (Member of the Public), Emmanuel Tita (Member of the Public), Basile Sede (Member of the Public), Gina Walton (Member of the Public), Zita Orji (Member of the Public), Laura Nagel (Member of the Public), and Florence Tonghazok (Member of the Public).

- I. Call to Order** – Clarence Labor, Jr. called the meeting to order at 9:02 a.m.
- II. Ascertainment of Quorum** – There was a quorum of Board members present for the office to conduct business.
- III. Adoption of Agenda** – Clarence Labor made one adjustment to the agenda and switched the order of Section V(A) and (B). Peter Rosenstein moved to adopt the agenda with the adjustment. Dionna Maria Lewis seconded the motion. The agenda was adopted by the Board.
- IV. Minutes from Previous Meeting** – The May 19, 2022, meeting minutes were reviewed. There were no corrections. The minutes were accepted.
- V. New Business**
 - A. Summary**— Clarence Labor provided that a summary of the matters to be decided were provided in the agenda for this meeting. The summaries were posted to the OEA website, the Board of Ethics and Government Accountability’s website, and printed and posted in OEA’s front office. The matters to be decided are as follows:
 1. Employee v. Department of Public Works, OEA Matter No. 1601-0009-20
 2. Employee v. Office of Police Complaints, OEA Matter No. 1601-0055-19
 3. Employee v. Department of Youth Rehabilitation Services, OEA Matter No. 1601-0036-19
 4. Employee v. Department of Public Works, OEA Matter No. 1601-0038-20R21
 5. Employee v. D.C. Public Schools, OEA Matter No. 1601-0021-21
 6. Employee v. Department of Public Works, OEA Matter No. 1601-0057-20
 - B. Public Comments on Petitions for Review** – There were no public comments offered.
 - C. Deliberations** – Peter Rosenstein moved that the meeting be closed for deliberations in accordance with D.C. Code § 2-575(b)(13). Jelani Freeman seconded the motion. All Board members voted in favor of closing the meeting. Clarence Labor, Jr. stated that the meeting was closed for deliberations.
 - D. Open Portion of Meeting Resumed**

E. Final Votes – Clarence Labor Jr. provided that the Board considered all of the matters. The following represents the final votes for each case:

1. Employee v. Department of Public Works, OEA Matter No. 1601-0009-20

MEMBER	GRANTED	REVERSED	DENIED	REMANDED	DISMISSED
Clarence Labor, Jr.			X		
Patricia Hobson Wilson			X		
Jelani Freeman			X		
Peter Rosenstein			X		
Dionna Lewis			X		

Five Board Members voted in favor of denying Employee’s Petition for Review. Therefore, the petition was denied.

2. Employee v. Office of Police Complaints, OEA Matter No. 1601-0055-19

MEMBER	GRANTED	REVERSED	DENIED	REMANDED	DISMISSED
Clarence Labor, Jr.			X		
Patricia Hobson Wilson			X		
Jelani Freeman			X		
Peter Rosenstein			X		
Dionna Lewis			X		

Five Board Members voted in favor of denying Employee’s Petition for Review. Therefore, the petition was denied.

3. Employee v. Department of Youth Rehabilitation Services, OEA Matter No. 1601-0036-19

MEMBER	GRANTED	REVERSED	DENIED	REMANDED	DISMISSED
Clarence Labor, Jr.			X	X	
Patricia Hobson Wilson			X	X	
Jelani Freeman			X	X	
Peter Rosenstein			X	X	
Dionna Lewis			X	X	

Five Board Members voted in favor of denying Agency’s Petition for Review. Accordingly, Employee’s AWOL charge was reversed, and the matter was remanded to Agency to propose a penalty, if any, based on the remaining charge of Inability to Carry Out Assigned Duties.

4. Employee v. Department of Public Works, OEA Matter No. 1601-0038-20R21

MEMBER	GRANTED	REVERSED	DENIED	REMANDED	DISMISSED
Clarence Labor, Jr.	X				
Patricia Hobson Wilson	X				
Jelani Freeman	X				
Peter Rosenstein	X				
Dionna Lewis	X				

Five Board Members voted in favor of granting Agency’s Petition for Review and reversing the Initial Decision on Remand. Therefore, the petition was granted, and the Initial Decision on Remand was reversed.

5. Employee v. D.C. Public Schools, OEA Matter No. 1601-0021-21

MEMBER	GRANTED	REVERSED	DENIED	REMANDED	DISMISSED
Clarence Labor, Jr.	X			X	
Patricia Hobson Wilson	X			X	
Jelani Freeman	X			X	
Peter Rosenstein	X			X	
Dionna Lewis	X			X	

Five Board Members voted in favor of granting Agency’s Petition for Review and remanding the matter to the Administrative Judge for further consideration. Therefore, the petition was granted, and the matter was remanded.

6. Employee v. Department of Public Works, OEA Matter No. 1601-0057-20

MEMBER	GRANTED	REVERSED	DENIED	REMANDED	DISMISSED
Clarence Labor, Jr.			X		
Patricia Hobson Wilson			X		
Jelani Freeman			X		
Peter Rosenstein			X		
Dionna Lewis			X		

Five Board Members voted in favor of denying Agency’s Petition for Review and upholding the Initial Decision. Therefore, the petition was denied, and the Initial Decision was upheld.

F. Public Comments

1. Employee 3 thanked the Board for all of its work and stated she was elated that she prevailed.
2. Emmanuel Tita and Florence Tonghazok thanked the Board and stated that justice was served.
3. Employee 2 asked how he would receive the Board’s decision. The General Counsel informed him that a written decision would be mailed to him along with the appeal rights.

VI. Adjournment – Peter Rosenstein moved that the meeting be adjourned; Patricia Hobson Wilson seconded the motion. All members voted affirmatively to adjourn the meeting. Clarence Labor, Jr. adjourned the meeting at 10:00 a.m.

**Respectfully Submitted,
Wynter Clarke
Paralegal Specialist**