

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:)	
)	
ERIC CAMPBELL)	
Employee)	
)	
)	OEA Matter No. J-0020-01
)	
v.)	
)	Date of Issuance: November 30, 2004
)	
EMERGENCY MANAGEMENT)	
AGENCY)	
Agency)	
)	
_____)	

OPINION AND ORDER
ON
PETITION FOR REVIEW

Employee worked as a Program Specialist with Agency and had held that position for approximately seven years. On November 14, 2000, Agency informed Employee that effective December 15, 2000, his position would be abolished pursuant to a reduction-in-force (RIF). Having nearly 30 years of District government service, Employee chose to

retire instead of being subjected to the RIF. Thus on December 15, 2000, Employee retired.

On January 12, 2001, Employee filed a Petition for Appeal with the Office of Employee Appeals (Office). Because the record revealed that Employee had retired on the date that he was scheduled to be RIF'd, the Administrative Judge informed the parties that this Office's jurisdiction had not been established and that Employee bore the burden of establishing such. Employee was given the opportunity to make a submission that would support his claim of jurisdiction. Specifically Employee was told that if he could show that his retirement was involuntary, then this Office's jurisdiction would be invoked.

In an Initial Decision issued July 29, 2003, the Administrative Judge dismissed Employee's appeal for lack of jurisdiction. She found that Employee argued in his submission that because he did not retire when asked to by Agency and because Agency did not then initiate an adverse action against him, his position was selected to be abolished pursuant to the RIF. Nowhere, however, did Employee show that his retirement was involuntary. Thus, Employee's appeal was dismissed.

On August 29, 2003, Employee filed a Petition for Review. In the Petition for Review Employee is essentially discussing the merits of the RIF. He contends that Agency did not properly classify his position when it sought to abolish his position. Unfortunately for Employee, these issues cannot be addressed until he has established that this Office has jurisdiction over his appeal. Because he has failed to do this in the Petition for Review, it must be denied. Accordingly, we uphold the Initial Decision and deny Employee's Petition for Review.

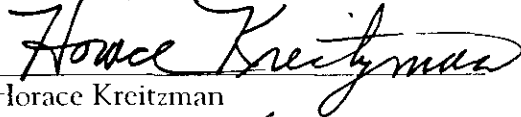
ORDER

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

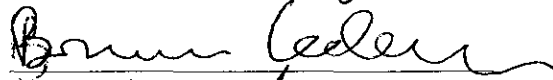
FOR THE BOARD:



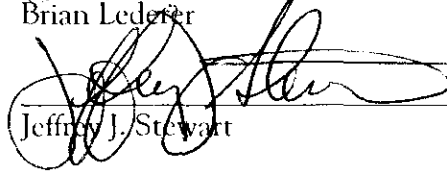
Erias A. Hyman, Chair



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.