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THE DISTRICT OF COLUMBIA

BEFORE

THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	
)	
DIANE HOWELL,)	
Employee)	OEA Matter No. J-0032-15
)	
v.)	Date of Issuance: March 27, 2015
)	
METROPOLITAN POLICE)	
DEPARTMENT,)	
Agency)	ERIC T. ROBINSON, Esq.
_____)	Senior Administrative Judge

Diane Howell, Employee *Pro-Se*
Diana Haines, Director – MPD Office of Human Services
Inspector Michael Eldridge, Acting Director – MPD Office of Human Services

INITIAL DECISION

INTRODUCTION AND PROCEDURAL BACKGROUND

On January 20, 2015, Diane Howell (“Employee”) filed a petition for appeal with the Office of Employee Appeals (“OEA” or the “Office”) contesting the Metropolitan Police Department’s (“MPD” or the “Agency”) alleged violation of her priority reemployment rights stemming from the abolishment of her last position of record, Cell Block Technician, through a Reduction in Force (“RIF”).¹ The effective date of the RIF was September 30, 2013.

This matter was assigned to the Undersigned on or around February 4, 2015. After reviewing Employee’s petition for appeal, I noted that there existed an issue as to whether the OEA may exercise jurisdiction over this matter. On February 10, 2015, I issued an Order to Employee requiring her to address this issue. Employee timely complied with the Order and

¹ Effective October 21, 1998, the Omnibus Personnel Reform Amendment Act of 1998 (“OPRAA”) modified certain sections of the Comprehensive Merit Personnel Act (“CMPA”) pertaining to this Office. Of specific relevance to this matter is § 101(d) of OPRAA, which amended § 1-606.3(a) of the Code (§ 603(a) of the CMPA) in pertinent part as follows: “Any appeal [to this Office] shall be filed within 30 days of the effective date of the appealed agency action.” I find that Employee’s appeal of her RIF is well outside of the window for filing her petition for appeal and that the OEA lacks jurisdiction to adjudicate the appeal of her RIF.

after reviewing her submission along with the other documents of record; I have determined that no further proceedings are warranted. The record is now closed.

JURISDICTION

As will be explained below, the jurisdiction of this Office has not been established.

ISSUE

Whether this matter should be dismissed.

ANALYSIS AND CONCLUSION

Title 1, Chapter 6, Subchapter VI of the D.C. Official Code (2001), a portion of the Comprehensive Merit Personnel Act, sets forth the law governing this Office. D.C. Official Code § 1-606.03 reads in pertinent part as follows:

(a) An employee may appeal a final agency decision affecting a performance rating which results in removal of the employee (pursuant to subchapter XIII-A of this chapter), an adverse action for cause that results in removal, reduction in force (pursuant to subchapter XXIV of this chapter), reduction in grade, placement on enforced leave, or suspension for 10 days or more (pursuant to subchapter XVI-A of this chapter) to the Office upon the record and pursuant to other rules and regulations which the Office may issue. Any appeal shall be filed within 30 days of the effective date of the appealed agency action.

As noted above, I find that the jurisdiction of this Office is expressly limited to performance ratings that result in removals; final agency decisions that result in removals, reductions in grade; suspensions or enforced leave of ten days or more; or reductions in force. *See* OEA Rule 604.1. The OEA does not have jurisdiction over alleged violations of priority reemployment rights. I find that Employee herein is appealing a grievance with respect to the aforementioned allegation. Of note, it is an established matter of public law that the OEA no longer has jurisdiction over grievance appeals.² That is not to say that Employee may not press her claims elsewhere, but rather that the OEA currently lacks the jurisdiction to hear Employee's other claims.

² Omnibus Personnel Reform Amendment Act of 1998 (OPRAA), D.C. Law 12-124.

ORDER

Based on the foregoing, it is hereby ORDERED that this matter be DISMISSED for lack of jurisdiction.³

FOR THE OFFICE:

ERIC T. ROBINSON, Esq.
Senior Administrative Judge

³ Since Employee failed to establish the jurisdiction of this Office in this matter, I am unable to address the factual merits (if any) of any arguments that Employee noted in her petition for appeal.