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**THE DISTRICT OF COLUMBIA**  
**BEFORE**  
**THE OFFICE OF EMPLOYEE APPEALS**

|                     |   |                                   |
|---------------------|---|-----------------------------------|
| In the Matter of:   | ) |                                   |
|                     | ) |                                   |
| MARY OVERTON        | ) | OEA Matter No. 2401-0063-05       |
| Employee            | ) |                                   |
|                     | ) | Date of Issuance: October 7, 2005 |
| v.                  | ) |                                   |
|                     | ) | Sheryl Sears, Esq.                |
|                     | ) | Administrative Judge              |
| D.C. PUBLIC SCHOOLS | ) |                                   |
| Agency              | ) |                                   |

Mary Overton, Employee *Pro Se*  
Harriet E. Segar, Esq., Agency Representative

**INITIAL DECISION**

INTRODUCTION AND FINDINGS OF FACT

In a letter dated May 20, 2005, David Gilmore, Transportation Administrator, notified Employee that her position as a full-time bus attendant would be abolished and she would be removed as part of a reduction in force (RIF). On the same date, Mr. Gilmore sent Employee a letter offering her an equivalent position. The record is now closed.

JURISDICTION

The Office has jurisdiction pursuant to D.C. OFFICIAL CODE § 1-606.03 (2001).

ISSUE

Whether this appeal should be dismissed for failure to state a claim upon which relief can be granted.

ANALYSIS AND CONCLUSION

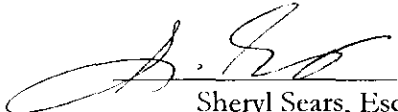
A complaint may be dismissed for failure to state a claim upon which relief may be granted where "it appears beyond doubt that the plaintiff can prove no set of facts in support of [her] claim which would entitle [her] to relief." *Owens v. Tiber Island Condominium Association*, 373 A.2d 890, 893 (D.C. 1977) (quoting *Conley v. Gibson*, 355 U.S. 41, 45-46 (1957)).

Agency announced a RIF that eliminated Employee's position. However, on the same day, Agency presented Employee with an offer of an equivalent position and, thereby, fully restored her. There is no further relief that this Office can grant Employee. Thus, this appeal fails to state a claim upon which relief can be granted and will be dismissed.

ORDER

It is hereby ORDERED that the petition in this matter is dismissed.

FOR THE OFFICE:

  
Sheryl Sears, Esq.  
Administrative Judge