

Notice: This decision may be formally revised before it is published in the *District of Columbia Register*. Parties should promptly notify the Office Manager 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:)	
)	
NURSAT I. AYGEN)	
Employee)	
)	OEA Matter No.: 1601-0004-04
v.)	
)	Date of Issuance: May 23, 2008
D.C. PUBLIC SCHOOLS)	
Agency)	
_____)	

OPINION AND ORDER
ON
PETITION FOR REVIEW

Nursat Aygen (“Employee”) was a teacher with the District of Columbia Public Schools’ (“Agency”) Visiting Instruction Service program. She had held this position since January 2000. On February 13, 2003 Agency informed Employee that it intended to terminate her employment effective March 14, 2003 due to declining student enrollment/equalization.

On October 21, 2003 Employee filed a Petition for Appeal with the Office of Employee Appeals (“OEA”). In her petition and supporting documents, Employee

alleged that Agency's action really amounted to an adverse action without cause. She asked that she be returned to her position and have restored all lost pay and benefits.

In an Initial Decision issued April 18, 2005 the Administrative Judge found in Employee's favor. The Administrative Judge stated that "[a]lthough Agency argues that this matter constitutes an action taken in accordance with a negotiated labor agreement over which this Office has no jurisdiction, Agency has not demonstrated that this matter is anything but an improper termination of employment, over which this Office does have jurisdiction."¹ The Administrative Judge went on to find that the contractual provision cited by Agency did not provide the basis for the termination action as Agency had claimed. Accordingly, the Administrative Judge held that "Agency's action removing Employee . . . [was] an adverse action taken without cause and without giving her the opportunity to respond."² For these reasons the termination action was reversed.

Subsequently Agency filed a Petition for Review on May 23, 2005. Employee filed a response on June 27, 2005. Agency's petition consists entirely of documents that were previously submitted to the Administrative Judge and includes, *inter alia*, such items as its prehearing statement and a response to an order issued by the Administrative Judge. Obviously the Administrative Judge did not find the contents of these documents to be persuasive and neither do we. Agency has failed to give any reason whatsoever as to why the Initial Decision should be overturned. Without more we are compelled to uphold the Initial Decision and deny Agency's Petition for Review.

¹ *Initial Decision* at 4.

² *Id.* at 4-5.

ORDER

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

FOR THE BOARD:

Sherri Beatty-Arthur, Chair

Barbara D. Morgan

Richard F. Johns

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.