

## Minutes

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

Thursday, November 16, 2023

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), Peter Rosenstein (OEA Board Member), Dionna Maria Lewis (OEA Board Member), Arrington Dixon (OEA Board Member), Wynter Clarke (OEA Paralegal), Karl Carter (Member of the Public), and Employee 2 (Member of the Public).

**Call to Order** – Clarence Labor, Jr. called the meeting to order at 9:02 a.m.

- I. Ascertainment of Quorum** – There was a quorum of Board members present for the office to conduct business.
- II. Adoption of Agenda** – Peter Rosenstein moved to adopt the agenda. The agenda was adopted by the Board.
- III. Minutes from Previous Meeting** – The September 7, 2023, meeting minutes were reviewed. There were no corrections. The minutes were accepted.
- IV. 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. Office of the Chief Technology Officer, OEA Matter No. 1601-0083-22
    2. Employee v. Department of Commerce and Regulatory Affairs, OEA Matter No. 1601-0017-21
    3. Employee v. D.C. Fire and Emergency Medical Services Department, OEA Matter No. 1601-0056-22
  - B. Public Comments on Petitions for Review** – There were no public comments offered.
  - C. Deliberations**– Dionna Maria Lewis moved that the meeting be closed for deliberations in accordance with D.C. Code § 2-575(b)(13). 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. Office of the Chief Technology Officer, OEA Matter No. 1601-0083-22**

MEMBER	GRANTED	REVERSED	DENIED	REMANDED	DISMISSED
Clarence Labor, Jr.				X	

Peter Rosenstein				X	
Dionna Lewis				X	
Arrington Dixon				X	

Four Board Members voted in favor of remanding the matter to the Administrative Judge for further findings. Therefore, the matter was remanded.

**2. Employee v. Department of Consumer and Regulatory Affairs, OEA Matter No. 1601-0017-21**

MEMBER	GRANTED	REVERSED	DENIED	REMANDED	DISMISSED
Clarence Labor, Jr.					X
Peter Rosenstein					X
Dionna Lewis					X
Arrington Dixon					X

Four Board Members voted in favor of dismissing Agency’s Petition for Review. Therefore, Agency was ordered to reimburse Employee all back pay and benefits lost as a result of his termination, consistent with the April 18, 2023, Initial Decision.

**3. Employee v. D.C. Fire and Emergency Medical Services Department, OEA Matter No. 1601-0056-22**

MEMBER	GRANTED	REVERSED	DENIED	REMANDED	DISMISSED
Clarence Labor, Jr.			X		
Peter Rosenstein			X		
Dionna Lewis			X		
Arrington Dixon			X		

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

**F. Public Comments**

1. The employee in *Employee v. Department of Consumer and Regulatory Affairs*, OEA Matter No. 1601-0017-21 stated that the Board referred to him as a female while providing their votes on the matter, when he is a male. The Board apologized and made the correction.

- V. **Adjournment** – Peter Rosenstein moved that the meeting be adjourned. All members voted affirmatively to adjourn the meeting. Clarence Labor, Jr. adjourned the meeting at 9:38 a.m.

**Respectfully Submitted,**  
**Wynter Clarke**  
**Paralegal Specialist**