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THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:)	
)	
ANDRIA FRANCIS,)	
Employee)	OEA Matter No. J-0007-15
)	
v.)	Date of Issuance: December 29, 2014
)	
DISTRICT DEPARTMENT)	
OF HUMAN SERVICES,)	
Agency)	
)	
)	
)	
)	Arien Cannon, Esq.
)	Administrative Judge

Andria Francis, *Pro se*
Monica J. Brown, Esq., Agency Representative
Robert C. Warren, Jr., Esq., Agency Representative

INITIAL DECISION

INTRODUCTION AND PROCEDURAL BACKGROUND

On October 16, 2014, Andria Francis (“Employee”) filed a Petition for Appeal with the Office of Employee Appeals (“OEA” or “Office”) challenging the Department of Human Services’ decision to remove her from her position as a Case Manager. The effective date of Employee’s termination was the close of business on October 11, 2013.

I was assigned this matter on October 31, 2014. Agency filed its Answer on November 24, 2014. Based on an initial review of the file an Order on Jurisdiction was issued on December 1, 2014, for Employee to provide her argument for this Office to exercise jurisdiction over her appeal. On the date that Employee’s response to the Order on Jurisdiction was due, December 23 2014, she filed a withdrawal of her appeal. The record is now closed.

JURISDICTION

This Office has jurisdiction in this matter pursuant to D.C. Official Code § 1-606.03 (2001).

ANALYSIS AND CONCLUSION

An Order on Jurisdiction was issued on December 1, 2014, giving Employee until December 15, 2014 to file her response. Employee was granted an extension of time to file her response. She ultimately filed a withdrawal of her appeal on December 23, 2014. Additionally, in Agency's Answer to Employee's appeal, it cites the District's Municipal Regulation, 6-B DCMR § 814, which provides that, "a termination during a probationary period is not appealable or grievable." Here, Employee began her employment with Agency on April 22, 2013 and was terminated effective October 11 2013, just shy of six months.¹ Employee was still within her one-year probationary period; thus, she was not entitled to appeal her termination to OEA pursuant to 6-B DCMR § 814.

Furthermore, OEA Rule 604 provides that an appeal must be filed within thirty (30) calendar days of the effective date of the agency's action. Again, Employee's termination became effective October 11, 2013, and she filed her appeal on October 16, 2014, well beyond the thirty (30) day time frame to file her appeal. Accordingly, I must find that Employee's Petition for Appeal shall be dismissed.

ORDER

It is hereby **ORDERED** that Employee's Petition for Appeal is hereby **DISMISSED** with prejudice.

FOR THE OFFICE:

Arien P. Cannon, Esq.
Administrative Judge

¹ Answer to Petition for Appeal at 5 (November 24, 2014); Petition for Appeal (October 16, 2014).