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THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:	)	
	)	
EMPLOYEE ¹ ,	)	OEA Matter No. 1601-0032-26
	)	
v.	)	Date of Issuance: September 29, 2026
	)	
D.C. DEPARTMENT OF GENERAL SERVICES,	)	MONICA DOHNJI, ESQ.
Agency	)	Senior Administrative Judge
	)	
	)	
Employee, <i>Pro Se</i>	)	
C. Vaughn Adams, Esq., Agency Representative	)	

INITIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

On February 6, 2026, Employee filed a Petition for Appeal with the D.C. Office of Employee Appeals (“OEA” or “Office”) contesting the D.C. Department of General Services’ (“DGS” or “Agency”) decision to terminate him from his position as a Logistics Coordinator, effective January 9, 2026. Employee was charged with False Statement/Records: Deliberate falsification of a material item on an application for employment, or other personal history record by omission or by making a false entry.² OEA issued a Request for Agency Answer to Petition for Appeal on February 6, 2026. Agency submitted its Answer to Employee’s Petition for Appeal on March 4, 2026. This matter was assigned to the undersigned Senior Administrative Judge (“SAJ”) on March 5, 2026.

The undersigned SAJ issued an Order on March 12, 2026, scheduling a Status/Prehearing Conference for April 2, 2026. Both parties were present for the scheduled Conference. Subsequently, on April 13, 2026, the undersigned issued a Post Status/Prehearing Conference Order requiring the parties to submit written briefs. The parties have submitted their respective briefs. Upon review of the record and considering the parties' arguments as presented in their submissions, I have determined that there are no material facts in dispute, and as such, an Evidentiary Hearing is not required. The record is now closed.

¹ Employee's name was removed from this decision for the purposes of publication on the Office of Employee Appeals' website.

² 6-B District of Columbia Personnel Manual (“DCMR”) § 1607.2 (b) (1).

JURISDICTION

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

ISSUES

- (1) Whether Agency had cause to charge Employee pursuant 6-B DCMR § 1607.2 (b) (1) - Deliberate falsification of a material item on an application for employment, or other personal history record by omission or by making a false entry. And if so,
- (2) Whether the penalty of termination was appropriate under the circumstance.

BURDEN OF PROOF

OEA Rule § 631.1, 6-B District of Columbia Municipal Regulations (“DCMR”) Ch. 600, et seq (December 27, 2021) states:

The burden of proof for material issues of fact shall be by a preponderance of the evidence. “Preponderance of the evidence” shall mean:

the degree of relevant evidence that a reasonable person, considering the record as a whole, would accept as sufficient to find that a contested fact is more likely to be true than untrue.³

OEA Rule § 631.2 *id.* states:

For appeals filed under § 604.1, the employee shall have the burden of proof as to issues of jurisdiction, including timeliness of filing. The agency shall have the burden of proof as to all other issues.

FINDINGS OF FACT, ANALYSIS AND CONCLUSIONS OF LAW⁴

According to the record, Employee was a Fleet Services Coordinator with Agency.⁵ Employee called out sick on September 18, 19, 22, 2025. Upon his return to work on September 23, 2025, Human Capital Administrator, Shawn Wilson, requested a medical note since Employee had been out sick for three (3) consecutive days. Employee returned to work on September 24, 2025, with a medical note as requested, which he handed to his supervisor. This medical note stated that Employee visited the provider on September 23, 2025, that he was absent on September 18, 2025, and that Employee could return to work on September 25, 2025.

³ OEA Rule § 699.1.

⁴ Although I may not discuss every aspect of the evidence in the analysis of this case, I have carefully considered the entire record. *See Antelope Coal Co./Rio Tino Energy America v. Goodin*, 743 F.3d 1331, 1350 (10th Cir. 2014) (citing *Clifton v. Chater*, 79 F.3d 1007, 1009-10 (10th Cir. 1996)) (“The record must demonstrate that the ALJ considered all of the evidence, but an ALJ is not required to discuss every piece of evidence”).

⁵ Agency’s Answer (March 4, 2026).

The note was forward to Agency's Human Resources ("HR"), and on September 25, 2025, Agency's HR confirmed that the medical note Employee presented on September 24, 2025, was fraudulent. Following a phone call to the phone number listed on the medical note, it was discovered that the doctor listed on the medical note did not work at the address on the medical note. When confronted with this information, Employee emailed HR Manager, Wilson, on September 25, 2025, at 1:41:15 p.m., stating that

"I would like to clarify and correct the medical documentation I submitted for my recent absences. In preparing the note, I mistakenly modified the formatting and address information. I understand now that this was not appropriate, and I want to make sure the record is accurate and official. The medical leave itself was legitimate. Should I forward this to my manager as well. I apologize for any confusion this may have caused."⁶

Employee later submitted another medical note with the same doctor's name as in the previous note, but with an address in the state of Texas, and a different phone number. This second medical note was signed by the doctor on September 23, 2025, at 9:47 p.m., and it stated that Employee was seen on September 23, 2025, he was absent on September 23, 2025, and that Employee could return to work on September 25, 2025.⁷

Agency issued a Notice of Proposed Termination to Employee on November 7, 2025, for violating 6-B DCMR § 1607.2 (b) (1). This matter was assigned to a Hearing Officer who issued her recommendation on December 19, 2025, noting that Agency's proposed termination of Employee pursuant to 6-B DCMR § 1607.2 (b) (1) is not supported by a preponderance of evidence in the record. The Hearing Officer explained that it is uncontested that Employee altered the information presented in the first medical note. However, she asserted that "although personal history record is not a defined term in the District Personnel Manual ("DPM"), a plain reading of section 1607.2 (b) (1) suggests that it refers to personal records related [to] employment history which would not include doctor's note presented to excuse short-term absences from work. Additionally, a doctor's note is not typically part of an employee's personnel history."⁸ Agency issued its Final Decision on January 6, 2026, terminating Employee from his position effective September 6, 2024, and placing Employee on Administrative Leave effective January 7, 2026.⁹ Employee filed the instant Petition for Appeal on February 6, 2026.

Agency's Position

Agency asserts that it had cause to terminate Employee for submitting a false doctor's note, pursuant to 6-B DCMR § 1607.2 (b) (1) because it was a material item regarding his personal history and it impacted Agency's payroll with regards to use of sick leave. Agency argues that Employee cannot continue serving in his current position because he deliberately submitted fraudulent information. It avers that honesty and integrity are essential character

⁶ Agency's Post Status Conference Brief (May 1, 2026).

⁷ *Id.*

⁸ *See*. Employee's Petition for Appeal (February 6, 2026).

⁹ *Id.*

requirements for public employees. Agency cites that termination is the appropriate penalty here because it is within the allowable range and it cannot risk continued employment of Employee considering his demonstrated dishonesty and violation of the trust of his supervisors and the public in general.¹⁰ Agency asserts that when Employee was confronted about the information in the first doctor's note, Employee admitted in an email to HR Manager, Winslow, on September 25, 2025, that the note was fraudulent. Agency contends that apart from Employee admitting that he modified the first doctor's note, it is undisputed that the first doctor's note presented by Employee was fake because the physician listed did not work at the address listed in the doctor's note.¹¹

Additionally, Agency argues that the false doctor's note is a personal history record as contemplated by 6-B DCMR 1607.2 (b) (1) and supports cause for termination. Agency explains that contrary to the Hearing Officer's assertion, 6-B DCMR § 1607.2 (b) (1) is not limited to documents typically found in the personnel file or application for employment. Agency notes that the documents listed pursuant to 6-B DCMR § 1607.2 (b) (1) also includes "...or other personal history record by omission or by making a false entry" and a doctor's note in the current matter constitutes personal history record because it explains or describes the reason for Employee's personal work history related to absences from work.¹² Agency also contends that the doctor's note is a personal history record because it was submitted to Agency's HR department in regard to a personnel matter, which is the use of sick leave. Agency cites that regardless of whether the doctor's note qualifies as a personal history record, the mere fact that the document is false, and it was submitted by Employee, it is covered by 6-B DCMR § 1607.2 (b) (1).¹³ Agency notes that it considered the *Douglas* factors¹⁴ and that its decision to terminate Employee is an appropriate penalty. Therefore, the Agency's decision to remove Employee should be affirmed and Employee's Petition for Appeal dismissed.¹⁵

Employee's Position

Employee contends that Agency has failed to prove that he deliberately falsified the first doctor's note. Employee avers that Agency "did not prove deliberate falsification because the record object was wrong, the address was not new, and the corrected note was in the agency's possession before termination." Employee also cites that "the agency's theory fails because the object at issue was a doctor's note, and not a personal history record..." Employee argues that the current adverse action rests on the deliberate falsification of a material item in a personal history record, however, the doctor's note at issue was not an application or a qualified personal history record. Employee explains that the Hearing Officer, Monique Bocock, found that Agency did not meet its burden of proof by a preponderance of evidence and that the doctor's note was not a personal history record.¹⁶

¹⁰ Agency's Answer, *supra*. See also. Agency's Post Status Conference Brief (May 1, 2026).

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ Citing *Douglas v. Veterans Administration*, 5 M.S.P.R. 313 (1981).

¹⁵ Agency's Post Status Conference Brief, *supra*.

¹⁶ Employee's OEA Supplemental Brief (April 27, 2026). See. also. Petitioner's Response to Agency's Post-Status Conference Brief (May 14, 2026).

Employee asserts that Agency lacked cause and its chosen penalty of termination was extreme. He notes that the penalty “remains disproportionate on this record. Employee notes that the penalty range for this cause of action is a 14-day suspension to removal, and that removal was not mandatory. Employee avers that Agency “failed to fairly consider the correction effort, privacy/routing context, unresolved verification issue, timekeeping records, work history, and lesser penalties.” Employee states that removal was excessive and not supported by the fair application of the relevant factors.¹⁷

Analysis

Pursuant to OEA Rule § 631.2, Agency has the burden of proving by a preponderance of the evidence that the proposed disciplinary action was taken for cause. The District Personnel Manual (“DPM”) regulates the manner in which agencies in the District of Columbia administer adverse and corrective actions. DPM § 1602.1 provides that disciplinary action against an employee may only be taken for cause. Employee was terminated pursuant to 6-B DCMR § 1607.2 (b) (1) - Deliberate falsification of a material item on an application for employment, or other personal history record by omission or by making a false entry.

1) Whether Agency had cause to charge Employee pursuant 6-B DCMR § 1607.2 (b) (1) - Deliberate falsification of a material item on an application for employment, or other personal history record by omission or by making a false entry.

To determine whether Agency had cause for the current adverse action, the undersigned must determine whether Employee deliberately falsified the first doctor’s note, and whether the doctor’s note is considered “a material item on an application for employment or other personal history record by omission or by making a false entry.” Pursuant to the record, Employee emailed HR Manager, Wilson, on September 25, 2025, at 1:41:15 p.m., stating that

“I would like to clarify and correct the medical documentation I submitted for my recent absences. In preparing the note, I mistakenly modified the formatting and address information. I understand now that this was not appropriate, and I want to make sure the record is accurate and official. The medical leave itself was legitimate. Should I forward this to my manager as well. I apologize for any confusion this may have caused.”¹⁸

Based on the above email, it is undisputed that Employee altered the first doctor’s note he submitted to Agency. While Employee argues that Agency has not proven that he deliberately falsified the first doctor’s note, I find that Employee intended to modify the note based on his own admission that he modified the formatting and the address information. Moreover, Employee modified the address with an address he knew was inaccurate. Accordingly, I find that Employee deliberately falsified the first doctor’s note.

¹⁷ *Id.*

¹⁸ Agency’s Post Status Conference Brief (May 1, 2026).

While I find that Employee deliberately falsified the first doctor's note, the undersigned also finds that the doctor's note is not a material item on an application for employment. In *Employee v. Office of Contracting and Procurement*¹⁹, the agency charged the employee pursuant to 6-B DCMR 1607.2 (b) (1), with reference to a modified medical note. In that matter, the undersigned reversed the agency's action solely because the agency could not prove that the employee deliberately falsified the medical note in question. The issue of whether the medical note constituted a 'personal history record' was never addressed. Therefore, the undersigned finds that this is a novel argument before OEA.

In the current matter, the assigned Hearing Officer, Ms. Bocock explained in her recommendation that "although personal history record is not a defined term in the District Personnel Manual ("DPM"), a plain reading of section 1607.2 (b) (1) suggests that it refers to personal records related [to] employment history which would not include doctor's note presented to excuse short-term absences from work. Additionally, a doctor's note is not typically part of an employee's personnel history."²⁰ I must agree. While the relevant provision, 6-B DCMR 1607.2 (b) (1) does not contain an explicit definition of the term "other personal history record", 6-B DCMR 1699 defines 'personal history' as:

Personal history –information about a specific individual, including information about his or her educational, financial, criminal, or employment status or history.

Additionally, the undersigned finds that 6-B DCMR 1607.2 (b) (1) uses "other personal history record" as a catch-all term at the end of a more specific phrase - '*application for employment*', which aligns with an employee's employment status or history as defined in 6-B DCMR 1699. (Emphasis added). Therefore, applying the doctrine of *ejusdem generis*, the undersigned will interpret the general words or phrases that follow the specific phrase to include only items of the same type as those listed pursuant to 6-B DCMR 1607.2 (b) (1). Accordingly, similar to the Hearing Officer's rational, the undersigned infers that "other personal history record" within the meaning of 6-B DCMR 1607.2 (b) (1) must be similar to 'employment application' such as other secondary hiring documentation²¹ used to verify a candidate's background or history during the hiring process. The undersigned finds that a doctor's note to justify a three (3) day absence from work does not qualify as such.²² Moreover, the doctor's note is not information about the employee's educational, financial, criminal or employment status or history as described in 6-B DCMR 1699. Consequently, I also find that based on the plain

¹⁹ OEA Matter No. 1601-0008-24 (September 18, 2024).

²⁰ See. Employee's Petition for Appeal (February 6, 2026).

²¹ These would most likely include background check questionnaire; security clearance questionnaire; reference and credit release forms; prior employment verifications; or credential verification forms.

²² The canon of *ejusdem generis* ("of the same kind"), highlights that where general words or phrases follow specific words or phrases, the general words are specifically construed as limited and *apply only to persons or things of the same kind or class as those expressly mentioned*. (Emphasis added). Courts have used the canon of *ejusdem generis* to limit the general words to things that share the same class or nature as the specific items listed. See. *Sivaraman v. Guizzetti & Assocs., Ltd., et al.*, 228 A.3d 1066 (D.C. 2020), citing *Edwards v. United States*, 583 A.2d 661, 664 (D.C. 1990). Also, the D.C. Court of Appeals in *Allen v. United States*, 361 A.3d 148 (D.C. 2026), discussed the canons of *ejusdem generis* and *Noscitur a sociis* (a word or phrase is known by the company it keeps) and cited that these canons apply only when necessary to resolve statutory ambiguity.

reading of 6-B DCMR 1699 and the doctrines of *ejusdem generis*, a doctor's note is not a personal history record and as such, I conclude that Agency has not met its burden of proof pursuant to 6-B DCMR 1607.2 (b) (1).

2) Whether the penalty of termination was appropriate under the circumstance

Based on the foregoing, the undersigned finds that because Agency has failed to meet its burden of proof for the cause of action in this matter, the action against Employee cannot be sustained. Accordingly, I also find that the penalty of termination was inappropriate under the circumstances.

ORDER

Based on the foregoing, it is hereby **ORDERED** that:

1. Agency's action of terminating Employee from service is **REVERSED**.
2. Agency shall reinstate Employee to his last position of record; or a comparable position.
3. Agency shall reimburse Employee all backpay and benefits lost as a result of the termination.
4. Agency shall file with this Office, within thirty (30) days from the date on which this decision becomes final, documents evidencing compliance with the terms of this Order.

FOR THE OFFICE:

/s/ Monica N. Dohnji
MONICA DOHNJI, Esq.
Senior Administrative Judge