

Notice: This decision may be formally revised before it is published in the District of Columbia Register and the Office of Employee Appeals' website. Parties should promptly notify the Chief Operating Officer 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:	)	
	)	
EMPLOYEE,	)	OEA Matter No. J-0015-26
	)	
v.	)	Date of Issuance: March 3, 2026
	)	
UNIVERSITY OF THE	)	SENIOR ADMINISTRATIVE JUDGE
DISTRICT OF COLUMBIA,	)	JOSEPH E. LIM, ESQ.
Agency	)	
	)	
Anessa Abrams, Esq., Agency Representative		
Employee, <i>Pro Se</i>		

INITIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

On December 9, 2025, Employee filed a Petition for Appeal with the Office of Employee Appeals (“OEA” or “Office”) contesting the University of the District of Columbia’ (“UDC” or “Agency”) decision to terminate him from his position as a Junior Security Analyst, effective November 14, 2025. OEA requested Agency’s response on December 9, 2025. Agency filed its Answer with a Motion to Dismiss Employee’s Petition for Appeal on January 8, 2026, stating that Employee was still in his probationary period at the time of his termination and as such, OEA lacked jurisdiction over this matter. I was assigned this matter on January 8, 2026.

Thereafter, I issued an Order on January 9, 2026, requiring Employee to address the jurisdictional issue raised by Agency on or before January 20, 2026. Agency had the option to submit a response on or before January 30, 2026. Both parties have submitted briefs addressing the jurisdiction issue in this matter. Because this matter could be decided on the basis of the documents of record, no further proceedings were conducted. The record is now closed.

JURISDICTION

The jurisdiction of this Office, pursuant to *D.C. Official Code, § 1-606.03 (2001)*, has not been established.

ISSUE

Whether this appeal should be dismissed for lack of jurisdiction.

FINDINGS OF FACT,¹ ANALYSIS AND CONCLUSIONS OF LAW²

Effective August 25, 2025, Employee was hired as a Junior Security Analyst at Agency.³ Employee's offer letter made clear that he was subject to a one-year probationary period: "You will be subject to the satisfactory completion of a one-year probationary period beginning on your effective date."⁴ Employee's SF-50, an official employee personnel action document created by Human Resources and contained in an official personnel file, indicated that Employee was to serve a one year probationary period.⁵ On November 10, 2025, Employee received notice of termination effective November 14, 2025, citing "failure to demonstrate suitability."

Probationary Period

Employee concedes that he was a probationary employee at the time of his dismissal but contends that OEA should still exercise jurisdiction over his appeal because Agency failed to comply with Article 10 of the Collective Bargaining Agreement which states that Agency should make reasonable efforts to advise probationary employees of their progress and performance during their probationary period. Employee asserts he was never given any warning. In addition, Employee contends that a dismissal of his appeal would be unjust and extreme as Agency failed to follow any procedures such as progressive discipline, performance improvement plan, or opportunity to correct or respond.

Agency states in its Motion that an employee removed during a probationary period cannot appeal their removal to OEA. Agency explained that Employee was terminated during her one-year probationary period. Agency maintains that Employee began service on August 25, 2025, as a Junior Security Analyst. Employee's offer and SF-50 specifically informed him that he was subject to the completion of a one-year probationary period. Agency further notes that Employee's appointment to this position resulted from open competition.

¹ Uncontroverted facts based on official documents and parties' narration.

² 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").

³ Agency Motion to Dismiss, Exhibit A, Employee Signed Offer Letter; Exhibit B, Employee SF-50.

⁴ *Id.*

⁵ *Id.* Exhibit B, Box 45.

Analysis

The threshold issue in this matter is one of jurisdiction. This Office has no authority to review issues beyond its jurisdiction.⁶ Therefore, issues regarding jurisdiction may be raised at any time during the course of the proceeding.⁷ This Office's jurisdiction is conferred upon it by law, and was initially established by the District of Columbia Comprehensive Merit Personnel Act of 1978 ("CMPA"), D.C. Official Code § 1-601-01, *et seq.* (2001). It was amended by the Omnibus Personnel Reform Amendment Act of 1998 ("OPRAA"), D.C. Law 12-124, which took effect on October 21, 1998. Both the CMPA and OPRAA confer jurisdiction on this Office to hear appeals, with some exceptions not relevant to this case, of permanent employees in Career and Education Service who are *not serving in a probationary period*, or who have successfully completed their probationary period (emphasis added). In addition, pursuant to District Personnel Manual ("DPM") § 227.4, an employee's termination during a probationary period is not appealable to OEA nor grievable.

Employee has the burden of proof on issues of jurisdiction, pursuant to OEA Rule § 631.2 which 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." 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." Employee must meet this burden by a "preponderance of the evidence" which is defined in OEA Rule § 699.1 as "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."

Regulation 8B DCMR § 1110 governs the hiring of UDC employees and states, "Upon his or her initial appointment, each employee shall be subject to a one (1) year probationary period." It is undisputed that Employee did not complete his probationary period. Section 227.4 of the DPM states that a termination during an employee's probationary period cannot be appealed to this Office. Additionally, this Office has consistently held that an appeal by an employee serving in a probationary status must be dismissed for lack of jurisdiction.⁸ Accordingly, Career service employees who are serving in a probationary period are precluded from appealing a removal action to this Office until their probationary period is over.

I find that Employee was removed from service when he was still within his probationary period. Based on the foregoing, I find that Employee did not meet the required burden of proof, and that Employee is precluded from appealing his removal to this Office. For these reasons, I conclude this matter must be dismissed for lack of jurisdiction. Consequently, I am unable to address the factual merits, if any, of this matter.

⁶ See *Banks v. District of Columbia Public School*, OEA Matter No. 1602-0030-90, *Opinion and Order on Petition for Review* (September 30, 1992).

⁷ See *Brown v. District of Columbia Public School*, OEA Matter No. 1601-0027-87, *Opinion and Order on Petition for Review* (July 29, 1993); *Jordan v. Department of Human Services*, OEA Matter No. 1601-0110-90, *Opinion and Order on Petition for Review* (January 22, 1993); *Maradi v. District of Columbia Gen. Hosp.*, OEA Matter No. J-0371-94, *Opinion and Order on Petition for Review* (July 7, 1995).

⁸ See, e.g., *Day v. Office of the People's Counsel*, OEA Matter No. J-0009-94, *Opinion and Order on Petition for Review* (August 19, 1991); *Alexis Parker v. Department of Health*, OEA Matter No. J-0007-11 (April 28, 2011).

ORDER

It is hereby **ORDERED** that the Petition for Appeal is **DISMISSED** for lack of jurisdiction.

FOR THE OFFICE:

/s/ Joseph Lim
Joseph Lim, Esq.
Senior Administrative Judge