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**THE DISTRICT OF COLUMBIA**  
**BEFORE**  
**THE OFFICE OF EMPLOYEE APPEALS**

In the Matter of:	)	
	)	
EMPLOYEE,	)	OEA Matter No. J-0055-25
Employee,	)	
	)	
v.	)	Date of Issuance: July 29, 2025
	)	
DISTRICT OF COLUMBIA	)	
OFFICE OF THE CHIEF	)	
FINANCIAL OFFICER,	)	
Agency	)	ERIC T. ROBINSON, ESQ.
	)	SENIOR ADMINISTRATIVE JUDGE
	)	
Michael S. Ludwig, Esq., Employee Representative		
Diane Graves, Esq., Assistant General Counsel - OCFO		

**INITIAL DECISION**

INTRODUCTION AND PROCEDURAL HISTORY

On July 2, 2025, Employee filed a petition for appeal with the Office of Employee Appeals (“OEA” or the “Office”) contesting the District of Columbia Office of the Chief Financial Officer (“OCFO” or the “Agency”) action of removing her from service. On that same day, the OEA, through its Executive Director, sent notice to the OCFO requiring it to submit an Answer to Employee’s petition for appeal no later than August 1, 2025. On July 22, 2025, the Agency filed a Motion to Dismiss asserting that the OEA lacks the authority to exercise jurisdiction over this matter. Employee’s last position of record was Budget Analyst, Grade 12, Step 6. I was assigned this matter on or about July 23, 2025. After reviewing the record, it would appear that Employee herein was an at-will employee with no right to have her petition for appeal heard before the OEA. On July 23, 2025, Employee submitted her Notice of Non-Opposition to Employer’s Motion to Dismiss. In this motion, Employee acknowledges that the OEA lacks jurisdiction to adjudicate petitions for appeal from OCFO employees like herself who have been subjected to an adverse action. After considering the arguments contained therein, juxtaposed with the documents of record, as well as my own knowledge of the applicable laws, rules, and regulations pertaining to matters such as these, I have determined that further proceedings are unwarranted. The record is now closed.

### ISSUE

Whether this Office may exercise jurisdiction over this matter.

### BURDEN OF PROOF

OEA Rule 628 *et al*, 59 DCR 2129 (March 16, 2012) states:

628.1 The burden of proof with regard to material issues of fact shall be by a preponderance of the evidence. Preponderance of the evidence shall mean the degree of relevant evidence which a reasonable mind, considering the record as a whole, would accept as sufficient to find a contested fact more probably true than untrue.

628.2 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 LAW

Agency argues, and it is uncontroverted, that Employee at the moment of her dismissal was employed by the OCFO. For the reasons discussed below, the OEA does not have statutory authority to assert jurisdiction in personnel matters involving the Office of the Chief Financial Officer. It is recognized that OEA has appellate jurisdiction over certain employee claims against the District of Columbia government arising under the Comprehensive Merit Personnel Act, *See* D.C. Official Code 1-606.03 and *Grillo v. District of Columbia*, 731 A.2d 384. However, the Office of the Chief Financial Officer is expressly exempt from the Comprehensive Merit Personnel Act (“CMPA”).

Congress enacted permanent legislation amending the District of Columbia Home Rule Act making any OCFO employee an at-will employee and the appointment of said employee at the pleasure of and under the direction of the Chief Financial Officer. Specifically, the enacted language states that employees appointed by the Chief Financial Officer “shall be considered at-will employees not covered by the District of Columbia Merit Personnel Act of 1978.” Section 202 of the “2005 District of Columbia Omnibus Authorization Act approved October 16, 2006 (P.L. 109-356) states in pertinent part:

“ . . . notwithstanding any provision of law or regulation (including any law or regulation providing for collective bargaining or the enforcement of any collective bargaining agreement, employees of the Office of the Chief Financial Officer of the District of Columbia ...shall be appointed by, shall serve at the pleasure of, and shall act under the direction and control of the Chief Financial Officer of the District of Columbia, and shall be considered at-will employees not covered by the District of Columbia Merit Personnel Act of 1978, except that nothing in this section may be construed to prohibit

the Chief Financial Officer from entering into a collective bargaining agreement governing such employees and personnel or to prohibit the enforcement of such an agreement as entered into by the Chief Financial Officer.”

Moreover, D.C. Official Code § 1-204.25(a) it specifically states that OCFO employees “shall be considered at-will employees not covered by Chapter 6 of the title.” OEA’s statutory authority does not include OCFO employees, who are not covered by the CPMA or Title 1, Chapter 6 of the DC Code. In this regard, in the matter of *Sharon Bartee et. al. v. OCFO, Office of Tax and Revenue*, OEA Matter Nos. 1601-0034-09 et. seq. (October 2, 2009), it was held that OEA lacks the authority to exercise jurisdiction over OCFO employees.

I find that at the time of her discharge, Employee served at the pleasure of the Chief Financial Officer as an at-will employee. Whatever rights the above-captioned Employee may have, she was not free to exercise said rights before this tribunal. I find that this Office lacks the authority to exercise jurisdiction over Employee’s petition for appeal. Based on the foregoing, I conclude that Employee has failed to establish the jurisdiction of this Office in the instant matter, and I must therefore dismiss this matter for lack of jurisdiction.<sup>1</sup>

#### ORDER

It is hereby ORDERED that this matter be DISMISSED for lack of jurisdiction.

FOR THE OFFICE:

/s/ Eric T. Robinson

ERIC T. ROBINSON, Esq.  
Senior Administrative Judge

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<sup>1</sup> Since Employee failed to establish the jurisdiction of this Office in this matter, I am unable to address the factual merits (if any) of her petition for appeal. I am also unable to address any other arguments that Employee raised in the prosecution of the same.