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THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:	)	
	)	
EMPLOYEE, ¹	)	OEA Matter No.: J-0056-26
Employee	)	
	)	
v.	)	Date of Issuance: August 31, 2026
	)	
D.C. PUBLIC SCHOOLS,	)	
Agency	)	NATIYA CURTIS, Esq.
	)	Administrative Judge
	)	
Employee, <i>Pro Se</i>		
Gehrrie Bellamy, Esq., Agency Representative		

INITIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

On April 17, 2026, Employee filed a Petition for Appeal with the Office of Employee Appeals (“OEA” or “Office”) contesting the District of Columbia Public Schools’ (“Agency” or “DCPS”) decision to terminate her from her position as a Substitute Teacher, effective March 26, 2026, for corporal punishment. OEA issued a letter dated April 17, 2026, requesting that Agency file an Answer on or before May 17, 2026. Agency filed its Answer to Employee’s Petition for Appeal on March 18, 2026. This matter was assigned to the undersigned Administrative Judge (“AJ”) on May 18, 2026.

On May 22, 2026, I issued an Order for Briefs on Jurisdiction,² requiring the parties to submit briefs in this matter. Employee’s brief was due by June 9, 2026, and Agency’s brief was due by June 23, 2026. On June 10, 2026, Employee filed a Motion to extend the deadline for her brief to November 1, 2026³, but did not provide cause as to why she required a prolonged extension.⁴ On June 16, 2026,

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

² Agency cited in its Answer and Motion to Dismiss that this Office lacks jurisdiction in this matter because Employee was in a temporary position as a substitute teacher. (*Agency’s Answer and Motion to Dismiss Petition for Appeal* (May 18, 2026)).

³ Employee initially emailed the undersigned on June 5, 2026 requesting an extension. I informed the parties that substantive filings were not permitted by email and informed Employee that she must submit her Motion for extension in writing and by mail or hand-delivery.

⁴ On June 11, 2026, I reached out to the parties by email and noted that I would schedule a Status Conference in this matter and proposed dates for the Conference. On June 16, 2026, Employee responded and stated that she was unable to meet with me and asked me to call her representative. I responded to the parties and advised Employee that her

Agency filed an objection to Employee's Motion.⁵ On June 18, 2026, I granted Employee's Motion in part and provided an extension to July 9, 2026. Agency's response was now due by or before July 30, 2026. Employee did not file her brief as required. On July 17, 2026, Agency filed a Motion for Enlargement of Time, citing that it had not received Employee's Brief and therefore was unable to prepare its response by July 30, 2026. On July 30, 2026, I issued an Order for Statement of Good Cause to Employee, requiring her to submit her Brief on Jurisdiction and a Statement regarding her failure to comply with the June 18, 2026, Order.

To date, Employee has not submitted a statement of good cause or a Brief on Jurisdiction, as required by the July 30, 2026, Order.⁶ Accordingly, the undersigned will decide this matter on the record available to date. I have determined that an Evidentiary Hearing is not required. The record is now closed.

JURISDICTION

The jurisdiction of this Office has not been established in this matter.

ISSUE

Whether this Appeal should be dismissed for lack of jurisdiction.

BURDEN OF PROOF

OEA Rule 631.1, 6-B DCMR Ch. 600 (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: That 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.

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.

representative must submit a Designation of Employee representative form and noted where to find the form and how to submit it. To date, there is no Designation of Employee Representative form in the record, nor has Employee's representative submitted any notice of appearance in this matter.

⁵ Agency cited that the length of extension Employee requested was unreasonable, as the date requested was almost five (5) months away.

⁶ On August 8, 2026, Employee emailed the undersigned and Agency and noted that her attorney advised her "not to make any pretrial statements until my trial has concluded" and requested that OEA reserve her filing to be presented at a later date.

FINDINGS OF FACT, ANALYSIS AND CONCLUSIONS OF LAW

Employee's Position

Employee asserts that she was wrongfully terminated and that the allegations of corporal punishment are false. Employee maintains that she was attempting to keep a child from hurting himself.⁷

Agency's Position

Agency asserts that Employee was terminated because it was reported that she assaulted a student while in a school library. Agency asserts that Employee was a substitute teacher and thus OEA lacks jurisdiction over Employee's Appeal and moves for summary judgment. Agency notes that OEA's jurisdiction is limited in this matter because Employee was a temporary Employee and not a career service permanent Employee. Agency asserts that as a substitute teacher, Employee was "appointed to a Wages as Earned ("WAE") position with a Not-to-Exceed date of June 27, 2025." Agency further asserts that "WAE appointments are, by definition, temporary and do not confer permanent status within the Career or Educational Services." Agency argues that because Employee did not hold a permanent position, she is not afforded the "statutory protections afforded to permanent employees, including appeal rights before the OEA, which is expressly reserved for permanent employees."⁸

Analysis

The threshold issue in this matter is one of jurisdiction. This Office has no authority to review issues beyond its jurisdiction.⁹ 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 the OPRAA conferred jurisdiction on this Office to hear appeals, with some exceptions. According to the rules of this Office, established at 6-B of the District of Columbia Municipal Regulation ("DCMR") Chapter 600, Rule 604.1 states this Office has jurisdiction in matters involving District Government employees appealing a final agency decision affecting:

- (a) A performance rating resulting in removal;
- (b) An adverse action for cause that results in removal, reduction in grade, or suspension for 10 days or more; or
- (c) A reduction-in-force; or
- (d) A placement on enforced leave for ten (10) days or more.

In the instant matter, the undersigned agrees with Agency's assertion that OEA lacks jurisdiction over this matter. The record reflects that Employee was a substitute teacher and thus was

⁷ Employee's Petition for Appeal, p. 2 (April 17, 2026).

⁸ Agency's Answer and Motion to Dismiss Employee's Petition for Appeal, pp. 1-2 (May 18, 2026).

⁹ *See. Banks v. District of Columbia Public Schools*, OEA Matter No. 1602-0030-90, *Opinion and Order on Petition for Review* (September 30, 1992).

a temporary employee.¹⁰ Her offer letter reflects that she was paid only for her hours worked with no guaranty of employment.¹¹ While Employee's termination letter notes she was removed from the substitute teacher list for cause, OEA has consistently held that OEA lacks jurisdiction over temporary employees.¹² Thus, I find that Employee was not in a permanent status at the time of her removal. As such, I further find that this Office cannot hear the merits of Employee's appeal. Thus, Agency's Motion to Dismiss is hereby granted.

Alternatively, even if Employee's Petition for Appeal could be reviewed on the merits, she has failed to prosecute her appeal. OEA Rule 624.3, DCMR Ch. 600, et seq (December 27, 2021) grants an Administrative Judge the authority to "...dismiss the action or rule for the appellant" if a party fails to take reasonable steps to prosecute or defend an appeal, including but not limited to, a failure to "*Submit required documents after being provided with a deadline for such submission*" (emphasis added).¹³ Further, this Office has consistently held that a matter may be dismissed for failure to prosecute when a party fails to submit required documents.¹⁴ Employee was warned in the Order for Statement of Good Cause issued on July 30, 2026, that failure to comply with the Order could result in sanctions, including dismissal. As of the date of this decision, Employee has not provided a written response to the July 30, 2026, Order.¹⁵ Accordingly, I find that Employee's inaction would present an additional and valid basis for dismissing this matter.

ORDER

It is hereby **ORDERED** that Agency's Motion to Dismiss is **GRANTED** and Employee's Petition for Appeal is **DISMISSED** for lack of jurisdiction.

FOR THE OFFICE:

/s/ Natiya Curtis
Natiya Curtis Esq.
Administrative Judge

¹⁰ Agency's Answer and Motion to Dismiss Employee's Petition for Appeal, Tab 2 (May 18, 2026).

¹¹ *Id.*

¹² *Employee v. University of the District of Columbia*, OEA Matter No. J-0003-19, *Opinion and Order on Petition for Review* (December 3, 2019); *Employee v. Metropolitan Police Department*, J-0053-24 (August 13, 2024); *Employee v. D.C. Department of Parks and Recreation*, OEA Matter No. J-0056-25 (September 29, 2025).

¹³ Rule 624.3(a).

¹⁴ See *Employee v. District of Columbia Youth Rehabilitation Services*, OEA Matter No. J-0072-26 (August 14, 2026).

¹⁵ Employee responded by email that she was advised not to prosecute her appeal until a criminal proceeding had concluded; yet, Employee did not comply with an Order to provide an Employee Designation of Representative form (or any proof that she was being represented). She also failed to comply with OEA Rule, 608.8 which provides, in part, that "a party must submit two (2) hard copies of any pleading, motion, exhibit or witness list, discovery response, or any written submission, either by mail or hand-delivery to the Office. The copies must be received by the Office on or before the prescribed deadline." While the undersigned advised Employee of this submission Rule, she continued to reply by email and failed to submit a written response to the July 30, 2026 Order.