

Notice: This decision may be formally revised before it is published in the *District of Columbia Register*. Parties should promptly notify the Office Manager 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:	)	
	)	
SARA LEE	)	
Employee	)	
	)	OEA Matter No.: 2401-0091-03
v.	)	
	)	Date of Issuance: November 13, 2008
D.C. DEPARTMENT OF MENTAL	)	
HEALTH	)	
Agency	)	
_____	)	

**OPINION AND ORDER**  
**ON**  
**PETITION FOR REVIEW**

Sara Lee (“Employee”) worked as a Health Systems Specialist with the D.C. Department of Mental Health (“Agency”). On February 28, 2003 Employee received a letter notifying her that her position would be abolished pursuant to a reduction-in-force (“RIF”). The letter went on to state that the RIF would take effect April 4, 2003. On the date that the RIF was to have taken effect, Employee took the discontinued service retirement. As a result, the impending RIF did not take effect.

Thereafter Employee filed a Petition for Appeal with the Office of Employee Appeals (“OEA”). In an Initial Decision issued May 2, 2006 the Administrative Judge dismissed the appeal on the basis that OEA lacked jurisdiction to consider the appeal. The Administrative Judge held that because Employee had voluntarily retired, “[t]his Office has no jurisdiction over an appeal from a voluntary retirement.”<sup>1</sup>

On June 5, 2006 Employee filed a Petition for Review. Employee does not contest the Administrative Judge’s finding with respect to the voluntary nature of her retirement. Instead, she claims that “the Agency violated District personnel regulations in its attempt to provide (1) one round of lateral competition and (2) a 30-day notice to affected Employee.”<sup>2</sup> Employee also raises several pre-RIF issues which she first raised before the Administrative Judge. On July 14, 2006 Agency filed a response to Employee’s Petition for Review.

Because Employee voluntarily retired, it is immaterial whether Agency provided the one round of lateral competition or a 30-day notice. With respect to the pre-RIF issues, we have consistently held that we cannot hear or decide anything outside of our authorized scope of jurisdiction concerning RIF appeals.<sup>3</sup> Pre-RIF issues are not within the jurisdiction of this Office. Employee has not given us any reason to disturb the Initial Decision. Therefore, her Petition for Review must be denied.

---

<sup>1</sup> *Initial Decision* at 3.

<sup>2</sup> *Petition for Review* at 7.

<sup>3</sup> *Wharton v. District of Columbia Public Schools*, OEA Matter No. J-o111-02 (March 3, 2003), \_\_D.C. Reg.\_\_ ( ); *Powell v. Office of Property Management*, OEA Matter No. 2401-0127-00 (February 3, 2003), \_\_D.C. Reg.\_\_ ( ); and *Booker v. Dep’t of Human Services*, OEA Matter No. 2401-0190-97 (October 11, 2000), \_\_D.C. Reg.\_\_ ( ).

**ORDER**

Accordingly, it is hereby **ORDERED** that Employee's Petition for Review is **DENIED**.

FOR THE BOARD:

\_\_\_\_\_  
Sherri Beatty-Arthur, Chair

\_\_\_\_\_  
Barbara D. Morgan

\_\_\_\_\_  
Richard F. Johns

The Initial Decision in this matter shall become a final decision of the Office of Employee Appeals 5 days after the issuance date of this order. An appeal from a final decision of the Office of Employee Appeals may be taken to the Superior Court of the District of Columbia within 30 days after formal notice of the decision or order sought to be reviewed.