

Notice: This decision is subject to formal revision before publication in the District of Columbia Register. Parties are requested to notify the Office Manager of any formal errors in order that corrections be made prior to publication. This is not intended to provide an opportunity of a substantive challenge to the decision.

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

_____	)	
In the Matter of:	)	
	)	
DONIELLE WINFORD,	)	
Employee	)	OEA Matter No. 2401-0299-09
	)	
v.	)	Date of Issuance: October 28, 2011
	)	
D.C. OFFICE OF THE ATTORNEY	)	
GENERAL,	)	MONICA DOHNJI, Esq.
Agency	)	Administrative Judge
_____	)	
Donielle Winford, Employee, <i>pro se</i>	)	
Pamela Smith, Esq., Agency Representative	)	

**INITIAL DECISION**

**INTRODUCTION AND PROCEDURAL BACKGROUND**

On September 30, 2009, Donielle Winford (“Employee”) filed a petition for appeal with the Office of Employee Appeals (“OEA”) contesting the D.C. Office of the Attorney General’s (“Agency”) action to abolish her position as a Paralegal Specialist through a Reduction-In-Force (“RIF”). The effective date of the RIF was September 30, 2009. In a letter dated September 24, 2009, Agency notified Employee that the above mentioned RIF had been cancelled and that Employee would continue working for Agency. However, this letter changed Employee’s appointment from Career Service to “a 13 month Term appointment, not to exceed October 26, 2010.” The letter noted that, effective September 27, 2009, Employee will be transferred to the Office of the Attorney General, Department of Public Works, Office of the General Counsel as a Paralegal Specialist. Employee signed this letter on September 28, 2009, accepting the transfer. Employee also signed a Letter of Confirmation of Acceptance of Reassignment Term Appointment whereby, she accepted Agency’s offer of a Term Appointment not to exceed (“NTE”) 13 months. In her petition for appeal, Employee noted that Agency was negligent in conducting the RIF. She sought injunctive relief, reinstatement at or above her current Grade and Step as a career service employee within the collective bargain unit, and not a TERM-NTE employee. On November 25, 2009, Agency filed Agency’s Answer to Employee’s petition for appeal along with a Motion to Dismiss for Lack of jurisdiction. Agency noted that, OEA lacks

jurisdiction over Employee's appeal because "Employee's allegation of losing her status as a Career service employee and becoming a Term employee is not an issue that can be appealed."<sup>1</sup>

This matter was assigned to me on or around September 13, 2011. On September 21, 2011, I issued an Order scheduling a Status Conference for October 19, 2011. Agency attended while Employee did not. Subsequently, on October 20, 2011, I issued an Order for Statement of Good Cause. Employee was ordered to submit a statement of cause based on her failure to appear at the October 19, 2011, Status Conference. Employee had until October 31, 2011, to respond. On October 24, 2011, Employee submitted a response to the Order. Employee requested that her petition for appeal be "closed and dismissed without making a formal appearance." Employee further noted that there was "no break in her career service" and that she is currently satisfied with her position with Agency. 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.

### ANALYSIS AND CONCLUSION

Since Employee has withdrawn her appeal, Employee's petition for appeal is dismissed.

### ORDER

It is hereby **ORDERED** that Employee's petition for appeal in this matter is **DISMISSED**.

FOR THE OFFICE:

---

MONICA DOHNJI, Esq.  
Administrative Judge

---

<sup>1</sup> See Agency's Answer to Employee's petition for appeal, page 5.