THE DISTRICT OF COLUMBIA

BEFORE

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:	
SHARON MIMICK Employee	OEA Matter No. 2401-0085-05
v.	Date of Issuance: October 4, 2005
DISTRICT OF COLUMBIA PUBLIC SCHOOLS (DOT) Agency	Eric T. Robinson, Esq. Administrative Judge

Sharon Mimick, Employee Pro-Se
Harriet Segar Esq., Agency Representative

INITIAL DECISION

INTRODUCTION AND STATEMENT OF FACTS

Pursuant to a Reduction in Force (hereinafter RIF), Employee's position as a full time Bus Attendant AKC with the District of Columbia Public Schools Division of Transportation (hereinafter DCPS-DOT) was scheduled to be abolished effective June 22, 2005. The Employee filed a Petition for Appeal with the Office of Employee Appeals (hereinafter the Office) on June 13, 2005. By letter dated June 17, 2005 David Gilmore, Transportation Administrator with DCPS-DOT rescinded the RIF. Furthermore, according to a Memorandum to the Record dated August 5, 2005 the Employee informed the Office that she wanted to withdraw her Petition for Appeal. This matter was assigned to the undersigned judge on August 8, 2005.

JURISDICTION

As will be explained below this Office does not have jurisdiction over this matter.

ISSUE

Whether this Office has jurisdiction over this matter?

FINDINGS OF FACT, ANALYSIS AND CONCLUSION

OEA Rule 604.1 (c) states in pertinent part:

> Effective October 21, 1998, and except as otherwise provided in the District of Columbia Government Comprehensive Merit Personnel Act of 1978, D.C. Code § 1-601.1 *et seq.* or Rule 604.2 below, any District of Columbia government employee may appeal a final agency decision affecting:
>
> (c) A reduction-in-force.

This Office has no authority to review issues beyond its jurisdiction. *See Banks v. District of Columbia Pub. Sch.*, OEA Matter No. 1602-0030-90, *Opinion and Order on Petition for Review* (Sept. 30, 1992), __ D.C. Reg. __ ( ). Furthermore, issues regarding jurisdiction may be raised at any time during the course of the proceeding. *See Brown v. District of Columbia Pub. Sch.*, OEA Matter No. 1601-0027-87, *Opinion and Order on Petition for Review* (July 29, 1993), __ D.C. Reg. __ ( ); *Jordan v. Department of Human Services*, OEA Matter No. 1601-0110-90, *Opinion and Order on Petition for Review* (Jan. 22, 1993), __ D.C. Reg. __ ( ); *Maradi v. District of Columbia Gen. Hosp.*, OEA Matter No. J-0371-94, *Opinion and Order on Petition for Review* (July 7, 1995), __ D.C. Reg. __ ( ).

According to OEA Rule 604.1 (c) this Office may only review a RIF if it has been finalized. In order for a RIF to be finalized, the Employee must be terminated from her position as a result of the RIF. In the instant matter, the Employee was given notice of the RIF but before it became effective, David Gilmore, Transportation Administrator with DCPS-DOT, rescinded the RIF. Consequently, the Employee's position with DCPS-DOT was never abolished as a result of the RIF. I find that the Employee's RIF was never finalized. Furthermore, I find that this Office lacks jurisdiction over this matter and that Employee's Petition for Appeal should be dismissed.

ORDER

It is hereby ORDERED that this matter be DISMISSED.

FOR THE OFFICE:

ERIC T. ROBINSON, Esq.
ADMINISTRATIVE JUDGE