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THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	
)	
ANGEL BROWN,)	
Employee)	OEA Matter No. J-0093-13
)	
v.)	Date of Issuance: July 22, 2013
)	
OFFICE OF THE STATE)	
SUPERINTENDENT OF EDUCATION,)	
Agency)	
_____)	
Angel Brown, Employee, <i>Pro se</i>)	Arien Cannon, Esq.
Hillary Hoffman-Peak, Esq., Agency Representative)	Administrative Judge

INITIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

Angel Brown (“Employee”) filed a Petition for Appeal with the Office of Employee Appeals (“OEA” or “Office”) on May 22, 2013, stating that she wanted her job back.¹ After an initial review of the file, it was determined that this Office may not have jurisdiction over this matter. An order regarding jurisdiction was issued by the undersigned on June 12, 2013, requiring Employee to set forth reasons why OEA may exercise jurisdiction over this matter. To date, Employee has not responded to the Jurisdiction Order. Agency filed a Motion to Dismiss on June 21, 2013. A Show Cause Order was also issued to Employee on July 10, 2013, to provide a statement of good cause as to why she did not respond to the Jurisdiction Order. To date, Employee has failed to respond to this Show Cause Order. The record is now closed.

JURISDICTION

As will be explained below, the jurisdiction of this Office has not been established.

¹ See Petition for Appeal (May 22, 2013).

ISSUE

Whether OEA may exercise jurisdiction over Employee's appeal.

FINDINGS OF FACT, ANALYSIS, AND CONCLUSIONS OF LAW

D.C. Official Code § 1-606.03 ("Appeal procedures") provides the type of actions that are appealable to this Office. It reads in pertinent part as follows:

- (a) An employee may appeal [to this Office] a final agency decision affecting a performance rating which results in removal of the employee . . . , an adverse action for cause that results in removal, reduction in force, reduction in grade, placed on enforced leave, or suspension for 10 days or more...Any appeal shall be filed within 30 days of the effective date of the appealed agency action.

OEA Rule 604.2 also provides that an appeal filed with this Office must be filed within thirty (30) calendar days of the effective date of the appealed agency decision.² Here, Agency never made a decision regarding Employee's status, rather Employee resigned from her position effective October 18, 2007. Even if Agency had made a decision regarding Employee's status around the time Employee submitted her resignation, Employee's appeal was filed nearly six (6) years after her resignation.

This Office has no authority to review issues beyond its jurisdiction. In the instant case, Agency accepted Employee's resignation letter on October 25, 2007.³ The OEA does not have jurisdiction over an Employee attempting to rescind her resignation.

Furthermore, Employee failed to respond to the Jurisdiction Order issued on June 12, 2013, which required Employee to submit a detailed statement on or before June 28, 2013, addressing the reason(s) why she believes this Office may exercise jurisdiction over her appeal. A subsequent Show Cause Order was issued on July 10, 2013, requiring Employee to address why she failed to respond to the Jurisdiction Order. Employee had seven (7) days to respond to this order. To date, Employee has yet to respond to the Jurisdiction Order and Show Cause Order.

² 59 DCR 2129 (March 16, 2012).

³ See Motion to Dismiss, Exhibit A (June 21, 2013)

ORDER

Based on the aforementioned, Agency's Motion to Dismiss for Lack of Jurisdiction is hereby GRANTED. It is further ORDERED that Employee's appeal is DISMISSED for failure to prosecute.

FOR THE OFFICE:

Arien P. Cannon, Esq.
Administrative Judge