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**THE DISTRICT OF COLUMBIA**

**BEFORE**

**THE OFFICE OF EMPLOYEE APPEALS**

_____	)	
In the Matter of:	)	
	)	OEA Matter No.: 1601-0206-11R13
RONNIE WILLIAMS,	)	
Employee	)	
	)	Date of Issuance: February 11, 2014
v.	)	
	)	
D.C. FIRE & EMERGENCY MEDICAL	)	
SERVICES DEPARTMENT,	)	
Agency	)	
_____	)	
	)	Arien P. Cannon, Esq.
	)	Administrative Judge

Ronnie Williams, Employee, *Pro se*  
Molly H. Young, Esq., Agency Representative

**INITIAL DECISION ON REMAND**

**INTRODUCTION AND PROCEDURAL BACKGROUND**

On September 2, 2011, Ronnie Williams (“Employee”) filed a Petition for Appeal with the Office of Employee Appeals (“OEA” or “Office”) challenging the D.C. Fire & Emergency Medical Services Department’s (“Agency”) decision to terminate him for failure to pass the National Registry Examination.<sup>1</sup> At the time Employee was terminated, he was a firefighter with the Agency. The effective date of Employee’s termination was August 15, 2011.<sup>2</sup> This matter was assigned to me on June 18, 2013. An Initial Decision was issued on August 2, 2013, which dismissed the matter for Employee’s failure to prosecute his appeal. Subsequently, Employee appealed this decision and filed a Petition for Review to the OEA Board.<sup>3</sup> The Board issued an Opinion and Order on September 18, 2013, remanding the case back to the undersigned to consider the case on its merits. A second Prehearing Conference was held on October 28, 2013. A Post Prehearing Conference Order was issued on the same date. Both parties have responded to the order accordingly. The record is now closed.

<sup>1</sup> See Petition for Appeal (September 2, 2011).

<sup>2</sup> See *Id.*, Letter of Decision/Removal attachment.

<sup>3</sup> Employee filed a letter on August 20, 2013, explaining that this Office listed his incorrect address on various orders that were issued pertaining to this case. Based on the incorrect address, Employee did not have notice of the July 23, 2013 Prehearing Conference. Employee’s letter was treated as a Petition for Review.

## JURISDICTION

This Office has jurisdiction in this matter pursuant to D.C. Official Code § 1-606.03 (2001).

## ISSUES

1. Whether the Fire Trial Board's decision was supported by substantial evidence;
2. Whether there was harmful procedural error; or
3. Whether Agency's action was done in accordance with applicable laws or regulations.

## UNDISPUTED FACTS

Employee's removal arose out of his failure to pass the National Registry of Emergency Medical Technicians Exam ("NREMT") after six (6) attempts. The NREMT Exam is a national certification test administered by a national entity, which is separate from Agency.

Employee began working for Agency as an Emergency Medical Technician ("EMT") in 1998. In 2007, Employee made a lateral transfer to the Fire Service. At the time of Employee's transition, he possessed a valid EMT certification. This certification required that EMTs take and pass a written exam administered by the District of Columbia Department of Health ("DOH"). At the time Employee made a lateral transfer to the Fire Services, he was a part of the first class which was required to obtain a NREMT certification to provide services as an EMT in the District. On August 21, 2009, Employee was unsuccessful in passing the NREMT-B Exam on his sixth attempt. As a result, pursuant to Agency Bulletin 81, Agency placed Employee on administrative leave, until he was terminated effective on August 15, 2011.<sup>4</sup>

Subsequent to taking testimony at a Trial Board Hearing held on May 24 and June 14, 2011, Agency's Trial Board recommended that Employee be terminated for incompetence. On August 3, 2011, Agency issued a Letter of Decision/Removal, in which it adopted the Trial Board's recommendation to terminate Employee. This letter served as the Agency's Final Notice of Proposed Adverse Action and informed Employee that his termination would become effective August 15, 2011. Employee was also given his appeal rights in this letter.

Employee was terminated from his position based on the following charge:

**Charge 1:** Violation of Article VII, Section 2(f)(5) of the District of Columbia Fire and EMS Department's Order Book which states in part: "Incompetence". Specifically, Firefighter Williams violated Bulletin No. 81, Section 10.2, which states in part: "The department will provide up to six (6)

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<sup>4</sup> Bulletin 81 was in effect until it was superseded in 2010 by Bulletin 83. Bulletin 81, which was specific to Fire Services Recruits, stated that "Failure to satisfy the NREMT-B certification process upon the sixth attempt will result in the recruit being placed on Administrative Leave pending termination." Bulletin 81 was specifically referenced in Charge One; however, it was no longer in effect at the commencement of the Trial Board Hearing.

opportunities for the NREMT-B exam... Failure to satisfy the NREMT-B certification process upon the sixth attempt will result in the recruit being placed on 'Administrative Leave' pending termination." This misconduct is defined as cause in 6 D.C.M.R. § 1603.3(f)(5), 54 DCR 12043 (December 14, 2007).

**Specification 1:** On August 21, 2009, The Fire and EMS Department was advised by the National Registry of Emergency Medical Technicians (NREMT) that Firefighter Williams failed to obtain a passing score on the NREMT-B exam after six attempts.

Employee pled not guilty to the charge. At the Trial Board Hearing, Employee was present and represented by counsel. The Trial Board was split (2-2) in their findings; however, in accordance with Agency's Order Book, Article VII, Section 11, Assistant Fire Chief Timothy Gerhart intervened to break the tie and agreed with the guilty finding and the recommended penalty of termination.<sup>5</sup> On August 3, 2011, Agency issued its final notice of termination to Employee, to become effective August 15, 2011. Accordingly, Employee has appealed the Trial Board's guilty finding to this Office.

### **SUMMARY OF RELEVANT TESTIMONY**

Agency held a Trial Board Disciplinary Hearing which spanned over a period of three days: September 30, 2010, May 24, 2011, and June 14, 2011.<sup>6</sup> The following represents a summary of the relevant testimony given during the hearing dates as provided in the transcript (hereinafter denoted as "Tr.") which was generated following the conclusion of the Trial Board proceeding. Both Agency and Employee presented documentary and testimonial evidence during the course of the hearing to support their position.

#### **Agency's Case-in-Chief**

*Assistant Fire Chief of Services Kenneth Jackson ("Jackson")* Tr. 29-91

At the time of the Trial Board Hearing, Jackson was the Assistant Fire Chief of Services and had been employed with Agency for twenty-eight years. Jackson dealt with all of the services for the Agency, including the Training Division, Fire Prevention Division, and Fleet Maintenance. Jackson first became involved with Employee's case in 2009 as a result of a grievance that was filed by Employee's union with respect to Employee failing his sixth attempt at passing the NREMT testing. The union's grievance was based on the fact that Agency was seeking to terminate Employee for not having his NREMT certification. After Jackson spoke with the Grievance Chairman, Kelton Ellerbe, Agency decided to postpone the initial date for the Trial Board and allow Employee to seek training outside of Agency to pass the certification test. Jackson also testified that he was aware that Employee was given several opportunities at the Training Academy to have remedial training before the NREMT Test.

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<sup>5</sup> See Agency's Answer to Employee's Appeal at 2 (October 6, 2011).

<sup>6</sup> No substantive testimony was given on September 30, 2010. There was an agreement between the parties to continue the hearing until a future date.

Jackson further testified regarding a document from the D.C. Department of Health (“DOH”), dated January 28, 2010, which required all members who worked as EMTs to pass a National Registry Certification. The DOH’s requirement allowed for EMT members who had a valid DOH card at the time to continue using their DOH card until it expired. However, by July 1, 2009, any member who worked as an EMT and possessed a DOH card would be required to pass the NREMT Exam so they could obtain their National Registry Certification.

Jackson testified that Agency agreed to hold Employee’s Trial Board in abeyance to allow Employee to get his certification, despite his previous six failed attempts at passing the certification test. Employee had been placed on administrative leave since failing the NREMT test in 2009. Jackson stated that regardless of whether an employee had the full knowledge of the duties and responsibilities as an EMT, an exception could not be made for an EMT to practice without the required certification.

Jackson also testified that Agency did not have anything to do with the accommodations the National Registry provided to Employee. He stated that the NREMT is a separate agency from the D.C. Fire and Emergency Medical Services Department (Agency). Jackson further testified that Employee was advised that if he could produce the NREMT certification prior to the Trial Board being held, then the charge against him would be dropped, despite being unable to pass the examination within the first six attempts.

***Detria Liles-Hutchinson (“Liles-Hutchinson”) Tr. 92-140***

At the time of the Trial Board Hearing, Liles-Hutchinson was the Diversity Equal Employment Officer (“EEO”) Program Manager for Agency. Liles-Hutchinson stated that she became involved with Employee in 2006 when Employee was at the Training Academy. During that time, Employee sent Liles-Hutchinson a document from the Lab School of Washington which indicated that he may or may not have some form of learning disability in late 2006. Liles-Hutchinson responded in a letter stating that Agency’s American Disabilities Act (“ADA”) Panel had evaluated his request and based on the information received from the Lab School of Washington (which specializes in learning disabilities), it was not sufficient to indicate that Employee fit within the parameters of the ADA at the time. In the response letter, Liles-Hutchinson did not deny Employee’s request, but rather stated that additional information was needed. The letter requested for Employee to follow up with the Lab School and the recommendations provided by the Lab School Therapist. Liles-Hutchinson further testified that Employee did follow up with the Lab school around February 2007 and satisfied her request. Employee was eventually evaluated by a licensed medical doctor and it was determined that he was at a third grade reading level and a second grade math level. It was believed that these deficiencies stemmed from dyslexia, a reading disorder.

Based on the evaluation submitted by the medical doctor, Employee was provided accommodations for any exams administered by Agency. Specifically, Employee was afforded time-and-a-half, in addition to any time limits associated with a test administered by Agency. Liles-Hutchinson further testified that although Employee asked for a reader when taking exams, he was not accommodated with a reader. Liles-Hutchinson stated that this accommodation was

not given because after reaching out to the Equal Employment Opportunity Commission ("EEOC") and their accommodation specialist, and based on the nature and criteria of work in which Employee performed, he was required to be able to read by himself.

Liles-Hutchinson also testified that although accommodations were provided to Employee at the Training Academy, that the NREMT is a separate and district entity with its own guidelines regarding the ADA and the accommodations it provides. Liles-Hutchinson stated that Agency sent the NREMT a copy of a letter in which Agency afforded Employee time-and-a-half on previous exams and all of the medical documentation to support its decision. In the letter, Agency also requested that the NREMT make reasonable accommodations for Employee under the ADA. Although Employee sought time-and-a-half *and* a reader from NREMT, the appropriate personnel at the NREMT ultimately decided to provide for time-and-a-half for the exam, but denied the request for a reader. Liles-Hutchinson further stated that to her knowledge, the NREMT has never provider a reader to accommodate an individual taking the certification exam.

***Battalion Chief Mark Wynn ("Wynn") Tr. 142- 156***

At the time of the Trial Board, Wynn was the Assistant Director of Training for Agency, a position which he had held for the previous four and half years. His duties predominately included fire training. Wynn became familiar with Employee when he was at the Training Academy when he transitioned from EMT to firefighter. Wynn stated that when an individual fails the NREMT Exam for the sixth time, some employees were placed on administrative leave while some remained at the Training Academy in an effort to get further training for the exam. He also stated that those who were placed on administrative leave were not allowed to use the Training Academy.

***Assistant Fire Chief Brian K. Lee ("Lee") Tr. 157-197***

Lee testified that he became involved with Employee when Employee began to transition from being an EMT to a firefighter. During the transition period, Employee was sent to the Training Academy and was also required to maintain his EMT certification. Lee stated that once Employee failed the NREMT Exam for the sixth time, Agency started the termination process for Employee. Lee testified that Employee was in the first class of recruits who were subject to the new certification process that required passage of the NREMT Exam.

Lee testified that Agency invests a lot into its employees. As such, Lee suggested that Agency put a lot of thought into terminating an Employee for not passing the NREMT. Lee stated that even if someone who had trouble passing the certification examination was ultimately able to pass the exam and present their certification ten minutes prior to a Trial Board hearing, that Agency would allow them to keep their job. Lee reiterated that Agency was patient with Employee and placed him on paid administrative leave for over two years pending the passage of the certification exam, but expressed that at some point there needed to be an end game.

Lee also testified that a Trial Board was scheduled for November 2010, but it was postponed based on an agreement with Employee's attorney that if Employee was able to receive

his certification, then the later scheduled Trial Board would be null and void. Lee further stated that he believes Agency did everything within its power to provide Employee an opportunity to pass the certification exam, even allowing him to take it a seventh time for the opportunity to return to full duty status.

### **Employee's Case-in-Chief**

#### ***Lieutenant Derrick Brachetti ("Brachetti") Tr. 199-225***

At the time of the hearing, Brachetti was a Lieutenant with Agency. Around August 2007, Brachetti was detailed to Sergeant at the Training Academy. Brachetti testified to Employee's character and the general observations he had of Employee while he was at the Training Academy. Brachetti also testified that he had discussions with two other Lieutenants about their perceived beliefs that Employee had a reading disability. Brachetti stated that he was given permission to read questions out loud to the examinees during the test and quizzes given at the Training Academy as long as it did not lead to the answer.

#### ***Firefighter Ronnie Williams ("Employee") Tr. 238-277***

Employee testified that he first received his EMT certification from the DOH in 2002 from East Coast EMS School. Employee also stated that his certification expired in 2006 and he had to renew his EMT certification. Employee testified that he was given assistance reading the test to get his certification from the DOH because of his reading disability. He further testified that he had a valid DOH card from June 1, 2007—December 31, 2009, which allowed him to practice as an EMT. Employee transitioned from an EMT to a firefighter in August of 2008. During the process of switching to a firefighter, Employee had to take written exams and hands-on exams. Employee testified that on the written exams, he sometimes had difficulty in reading the questions and that the instructors would help explain what the questions were asking. Employee stated that they did not receive help in selecting an answer. Ultimately, Employee passed the exam at the Training Academy to become a firefighter.

When Employee sat for the NREMT Exam for the first three times, he did not receive any accommodations under the ADA. Employee did not receive any accommodations until his fourth attempt at the NREMT. He was afforded time and a half on the two hour exam, which ultimately gave him three and a half hours to complete the test. Employee was unsure why the NREMT waited until his fourth attempt to offer him the time and a half accommodation. After failing the NREMT for the sixth time, Employee was placed on administrative leave. While on administrative leave, Employee sought to get his NREMT certification on his own so that he could return to work. To do so, he was told that he would have to enroll in a class to sit for the certification exam again. Employee began taking the classes at Westlink, an EMT paramedic class, so that he could sit for the NREMT again. Employee paid for the class and the fees associated with taking the exam again himself while he was on administrative leave. After enrolling in the class, Employee sat for the exam once again, in April 2011. Employee was again unsuccessful. Employee testified that he believes the appropriate accommodation that he should have received for the NREMT was a reader; someone who actually read him the questions out loud. Employee testified that even if he were to take the NREMT Exam again without a reader,

he would probably fail. When Employee was placed on administrative leave, he tried to go to Agency's Training Academy to sit in on a few refresher courses, but he was told he could not do so because he was on administrative leave.

***Lieutenant Marie A. Rosich-Capo ("Rosich-Capo") Tr. 278-385***

At the time of the hearing, Rosich-Capo had been employed with Agency nearly thirty (30) years. In December 2007, she was the National Registry coordinator for Agency. Rosich-Capo testified that she wrote a letter to NREMT on behalf of Agency and requested a reasonable accommodation for Employee at the request of her superiors. Specifically, she requested that Employee receive additional time on the exam (time and a half). Despite the doctors who assessed Employee and recommended that he should be provided a reader and/or an audio tape when reading lengthy and complex information, Rosich-Capo only requested that Employee be provided additional time.

Rosich-Capo stated that she was familiar with the accommodations provided by the National Registry in her role as National Registry coordinator. She stated that none of the accommodations listed by the National Registry provided for a reader for individuals who fall under the ADA and sit for the NREMT Exam. She stressed that the National Registry provided *reasonable* accommodations and considered the type of job an individual had in making that determination. Rosich-Capo stated that Agency cannot mandate the National Registry to provide any type of accommodation. She also stated that all of the educational assessments that were performed on Employee were sent to the National Registry (including the recommendations by medical personnel that recommended Employee have a reader and/or audio) so that their own ADA people could make a determination as to what accommodations would be appropriate.

Rosich-Capo testified that although the doctors who assessed Employee recommended three types of accommodations (extra time, reader, and/or audio cassette), she only sought additional time for Employee to take the NREMT because she knew that the National Registry did not provide readers for the NREMT. Rosich-Capo also testified about the courses, training, and refresher courses Employee received at the Training Academy and the different measures Agency took to provide him assistance in passing the NREMT Exam.

**ANALYSIS AND CONCLUSIONS OF LAW**

Pursuant to the *Pinkard*<sup>7</sup> analysis, an Administrative Judge of this Office may not conduct a *de novo* hearing in an appeal before him/her, but must rather base his/her decision solely on the record below at the Fire Trial Board Hearing, when all of the following conditions are met:

1. The appellant (Employee) is an employee of the Metropolitan Police Department or the D.C. Fire & Emergency Medical Services Department;
2. The employee has been subjected to an adverse action;

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<sup>7</sup> *Metropolitan Police Department v. Pinkard*, 801 A.2d 86 (D.C. 2002).

3. The employee is a member of a bargaining unit covered by a Collective Bargaining Agreement;
4. The Collective Bargaining Agreement contains language essentially the same as that found in *Pinkard*, i.e.: “[An] employee may appeal his adverse action to the Office of Employee Appeals. In cases where a Departmental hearing [i.e., Trial Board Hearing] has been held, any further appeal shall be based solely on the record established in the Departmental hearing”; and
5. At the agency level, Employee appeared before an Adverse Action Panel that conducted an evidentiary hearing, made findings of fact and conclusions of law, and recommended a course of action to the deciding official that resulted in an adverse action being taken against Employee.<sup>8</sup>

Based on the documents of records and the position of the parties as stated during the Prehearing Conference held in this matter, I find that all of the aforementioned criteria are met in the instant matter. Therefore, my review is limited to the issues as set forth in the “Issues” section of this Initial Decision. Further, according to *Pinkard*, I must generally defer to the [Trial Board’s] credibility determinations when making my decision.<sup>9</sup>

#### **Whether the Trial Board’s decision was supported by substantial evidence.**

Substantial evidence is defined as evidence that a reasonable mind could accept as adequate to support a conclusion.<sup>10</sup> If the [Trial Board’s] findings are supported by substantial evidence, I must accept them even if there is substantial evidence in the record to support contrary findings. See *Metropolitan Police Department v. Baker*, 564 A.2d 1155 (D.C. 1989). This Office may not substitute its judgment for that of an agency.<sup>11</sup> Under the CBA between the two parties, “[a]ppeals of decisions premised upon Trial Board recommendations shall be based solely on the record established in the Trial Board hearing.”

#### *Charge 1*

Here, it is undisputed that Employee was unable to pass the NREMT Exam after six attempts, which was the limit imposed by Agency. Testimony at the Trial Board demonstrated that Employee took the exam six times while on active duty status with Agency, and once again while he was on administrative leave. While on administrative leave, Employee was required to pay for additional training in preparation for the NREMT out of his own pocket. Because Employee was unable to obtain the required NREMT certification, he was not authorized to

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<sup>8</sup> See *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Black’s Law Dictionary*, Eighth Edition; *Mills v. District of Columbia Department of Employment Services*, 838 A.2d 325 (D.C. 2003); and *Black v. District of Columbia Department of Employment Services*, 801 A.2d 983 (D.C. 2002).

<sup>11</sup> *Pinkard v. Metropolitan Police Department*, 801 A.2d 86 (D.C. 2002).



practice emergency medical services under the applicable law. D.C. Official Code § 7-2341.05(a), “Emergency Medical Services Personnel,” provides in pertinent part:

- (a) Except as otherwise provided in this chapter, no person shall perform the duties of emergency medical services personnel in the District, whether for compensation or not for compensation, without first having obtained a certification from the Mayor to do so.

In Employee’s Petition for Appeal, he asserts that “according to agency regulations, [he] should not have been required to take the examination and further [he has] a disability for which [he] requested accommodation, which was denied to [him].” Employee does not elaborate further in his Petition for Appeal, or in his brief in response to the Post Prehearing Conference Order, as to why he should not have been required to take the NREMT Examination. However, based on the testimonial evidence presented at the Trial Board Hearing, Employee argues that he was required to take the NREMT Exam prior to the NREMT certification being required by all EMS providers effective July 1, 2009. Based on the testimonial evidence, Employee also asserts that he requested certain accommodations to take the NREMT Exam, which were denied.

Jackson provided testimony that the DOH issued a memorandum which stated that all EMS providers in the District must have a NREMT certification card on July 1, 2009, pursuant to the Emergency Medical Services Act of 2008 (D.C. Law No 17-357; 29 DCMR § 563). This memorandum was entered into evidence. Although the memorandum states that the new law does not mean that every EMS provider must have a NREMT certification on July 1, 2009, it did mean that when an EMS provider’s DOH card expired, they were required to have the NREMT certification to continue as an EMS provider. Here, Employee’s DOH card expired in December of 2009. Employee was unsuccessful on his sixth attempt at the NREMT Exam in August 2009. Although Employee was placed on administrative leave when he had a valid DOH card, that did not negate the fact that he was unable to pass the NREMT certification test after six attempts, which became a requirement on July 1, 2009. Employee was subsequently placed on paid administrative leave and given the opportunity to seek help outside of the Agency so that he could pass the NREMT. While on administrative leave, Employee made one other attempt to pass the exam, in April 2011, and was unsuccessful. Employee’s termination became effective August 15, 2011, approximately two years after being placed on paid administrative leave.

Employee’s assertion that his request for accommodations to take the NREMT Exam were denied are correct in part, and incorrect in part. Specifically, Employee’s special accommodation request included time-and-a-half to complete the exam and a reader. Employee’s request for time-and-a-half was granted; however, the request for a reader was denied. Testimony from Liles-Hutchinson and Rosich-Capo made it clear that NREMT’s decision as to what accommodations it provided Employee was outside of Agency’s control. There was testimony, specifically from Jackson and Liles-Hutchinson, that NREMT and Agency are two separate and distinct agencies. Agency could not mandate or instruct NREMT on what accommodations to provide to Employee. Although there was testimony that Employee received accommodations in the form of a reader on tests and quizzes given at the Training Academy, NREMT was under no obligation to follow the same accommodations Agency had provided. Thus, Employee’s assertion that his request for accommodations was denied is correct; however,

it was denied by a separate and distinct entity from Agency, which is beyond Agency's and the Undersigned's control.

Although it seems that Employee disagrees with the policy of both the Agency and the National Registry when it comes to providing accommodations under the ADA, there is substantial evidence in the record to support Agency's decision to remove Employee for Incompetence; specifically, for his inability to pass the NREMT-B certification requirement.

Based on the aforementioned, I find that there was substantial evidence presented at the Trial Board to support Agency's decision to terminate Employee.

**Whether there was harmful procedural error and whether Agency's action was done in accordance with applicable laws or regulations.**

OEA Rule 631.3 provides in pertinent part that "[this] Office shall not reverse an agency's action for error in the application of its rules, regulations, or policies if the agency can demonstrate that the error was harmless."<sup>12</sup> Here, Employee was charged with misconduct in accordance with the Collective Bargaining Agreement between Agency and his union. A Fire Trial Board was conducted at the agency level where Employee was represented by counsel and presented evidence in his defense. As a result of the evidence presented by both parties, the Trial Board found Employee guilty of the charge and specifications against him by a preponderance of the evidence. Although Employee argues that Agency failed to adequately accommodate his reading disability while taking the NREMT Certification Exam, no procedural errors existed in the Trial Board Hearing before the Agency. In Employee's response to the Post Prehearing Conference, he does not assert that Agency made any harmful procedural error. Thus, I find that Agency did not commit a harmful procedural error in reaching its decision to terminate employee.

The legal standard for the appropriateness of a penalty was established by the Merit Systems Protection Board ("MSPB") in *Douglas v. Veterans Administration*, 5 M.S.P.B. 313 (1981). In *Douglas*, the MSPB set forth a list of factors to be considered when assessing the appropriateness of a penalty. *Id.* at 331-332. Here, the Trial Board reviewed and considered each relevant *Douglas* factor and relied upon the Table of Appropriate Penalties within the District Personnel Manual and concluded that terminate was appropriate. Based on the discussions above, I find that the Agency's action was done in accordance with applicable laws and regulations.

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<sup>12</sup> 59 DCR 2129 (March 16, 2012).

**ORDER**

Accordingly, it is hereby **ORDERED** that Agency's decision to terminate Employee is upheld.

FOR THE OFFICE:

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Arien P. Cannon, Esq.  
Administrative Judge