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THE DISTRICT OF COLUMBIA

BEFORE

THE OFFICE OF EMPLOYEE APPEALS

_____	)	
In the Matter of:	)	
	)	
EMPLOYEE ¹ ,	)	OEA Matter No. 1601-0034-24R26
	)	
v.	)	Date of Issuance: October 26, 2026
	)	
D.C. FIRE AND EMERGENCY	)	
MEDICAL SERVICES DEPARTMENT,	)	MONICA DOHNJI, ESQ.
Agency	)	Senior Administrative Judge
_____	)	
Philip Andonian, Esq., Employee Representative		
Connor Finch, Esq., Agency Representative		

INITIAL DECISION ON REMAND

INTRODUCTION AND PROCEDURAL HISTORY

On February 27, 2024, Employee filed a Petition for Appeal with the Office of Employee Appeals (“OEA” or “Office”) contesting the District of Columbia Department of Fire and Emergency Medical Services’ (“Agency” or “FEMS”) decision to demote him from Technician to Firefighter/Paramedic. OEA issued a letter on February 27, 2024, requiring Agency to file an Answer to Employee’s Petition for Appeal. Agency filed its Answer to Employee’s Petition for Appeal on March 28, 2024. This matter was assigned to Senior Administrative Judge, Michelle Harris (“SAJ Harris”) on March 28, 2024. SAJ Harris issued an Initial Decision (“ID”) in this matter on May 31, 2025, upholding Agency’s decision to demote Employee.

Subsequently, Employee appealed the ID to the District of Columbia Superior Court (“D.C. Superior Court”). On August 6, 2026, this Court issued a Memorandum Opinion and Order remanding the Case to OEA.² The Court found that “... FEMS committed procedural error by adopting the Trial Board’s Findings of Fact and Recommendation and enforcing the discipline after the Kaplan Award³ was issued despite the fact that FEMS had not complied with Article 32(B). The procedural error was harmful because, had the error not been committed, the demotion would not have occurred.” The Court granted Employee’s Petition for Review and remanded the matter to

¹ Employee’s name was removed from this decision for the purposes of publication on the Office of Employee Appeals’ website.

² *Employee v. D.C. Office of Employee Appeals, et. al.*, No. 2025-CAB-4625 (August 6, 2026).

³ The ‘Kaplan award’ stemmed from an arbitration decision wherein the arbitrator found that Agency did not comply with provisions of Article 32 B of the Collective Bargaining Agreement between Agency and Employee’s union (The International Fire Fighters. Local 36, AFL-CIO MWC Union).

“OEA for further proceedings consistent with this opinion.” The matter was reassigned to the undersigned on September 9, 2026. The record is now closed.

JURISDICTION

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

ISSUE

Whether Agency committed harmful procedural error.

FINDINGS OF FACT, ANALYSIS AND CONCLUSIONS OF LAW

Here, the D.C. Superior Court in its August 6, 2026, Order granted Employee’s Petition for Review, noting that Agency committed harmful procedural error and remanded the matter to OEA “for further proceedings consistent with this opinion.” Because the D.C. Superior Court has found that Agency committed harmful procedural error in this matter, I find that Agency’s decision to demote Employee should be reversed.

ORDER

Based on the foregoing, it is hereby ORDERED that:

1. Agency’s adverse action of Demoting Employee from Technician to Firefighter/Paramedic is hereby **REVERSED**.
2. Agency shall **REINSTATE** Employee to his previous position of Technician or to a comparable position.
3. Agency shall reimburse Employee all back-pay, and benefits lost as a result of the adverse action.
4. Agency shall file with this Office, within thirty (30) days from the date on which this decision becomes final, documents evidencing compliance with the terms of this Order.

FOR THE OFFICE:

/s/ Monica N. Dohnji
MONICA DOHNJI, Esq.
Senior Administrative Judge