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THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:	)	
	)	
EMPLOYEE, ¹	)	OEA Matter No.: J-0093-26
Employee	)	
	)	
v.	)	Date of Issuance: October 26, 2026
	)	
D.C. PUBLIC LIBRARY,	)	
Agency	)	ChôNayse Sellers, Esq.
	)	Administrative Judge
Employee, <i>Pro se</i>	)	
Zack Hill, Esq., Agency Representative		

INITIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

On July 16, 2026, Employee filed a Petition for Appeal (“Petition”) with the Office of Employee Appeals (“OEA” or “Office”) contesting the District of Columbia Public Library’s (“DCPL” or “Agency”) decision to terminate her from her position as a Special Police Officer. Employee’s termination was effective on July 15, 2026. OEA issued a Request for Agency’s Answer to Employee’s Petition for Appeal on July 16, 2026. On August 12, 2026, Agency filed its Answer and then filed a Motion to Dismiss on August 14, 2026. In its Motion to Dismiss, Agency asserted that OEA lacks jurisdiction over this matter as Employee was a probationary employee at the time of her separation. This matter was assigned to the undersigned on August 20, 2026.

On August 24, 2026, I issued an Order for Briefs on Jurisdiction requiring the parties to submit briefs addressing whether OEA has jurisdiction in this matter. Employee’s brief was due on or before September 8, 2026, and Agency’s brief was due on or before September 22, 2026. Employee did not submit a brief by the stated deadline. Consequently, on September 14, 2026, I issued an Order for Statement of Good Cause to Employee. Employee was ordered to submit a brief and a statement regarding her failure to submit the brief on jurisdiction by the September 8,

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

2026, deadline. Employee's brief and Statement of Good Cause were due by September 30, 2026. As of the date of this decision, Employee has not submitted a response as required. After reviewing the documents of record, I have determined that no further proceedings are warranted. The record is now closed.

JURISDICTION

The jurisdiction of this Office has not been established.

ISSUE

Whether this appeal should be dismissed.

BURDEN OF PROOF

OEA Rule 631.1, 6-B DCMR Ch. 600 (December 27, 2021) states:

The burden of proof for material issues of fact shall be by a preponderance of the evidence. "Preponderance of the evidence" shall mean:

That degree of relevant evidence which a reasonable mind, considering the record as a whole, would accept as sufficient to find a contested fact more probably true than untrue.

OEA Rule 631.2 *id.* states:

For appeals filed under §604.1, the employee shall have the burden of proof as to issues of jurisdiction, including timeliness of filing. The agency shall have the burden of proof as to all other issues.

ANALYSIS² AND CONCLUSIONS OF LAW

Probationary Employee

This Office's jurisdiction is conferred upon it by law and was initially established by the District of Columbia Comprehensive Merit Personnel Act of 1978 ("CMPA"), D.C. Official Code § 1-601-01, *et seq.* (2001). It was amended by the Omnibus Personnel Reform Amendment Act of 1998 ("OPRAA"), D.C. Law 12-124, which took effect on October 21, 1998. Both the CMPA and the OPRAA conferred jurisdiction on this Office to hear appeals, with some exceptions of permanency employees in the Career and Education Service who are not serving in a probationary period, or who have successfully completed their probationary period. According to the rules of this Office, established at 6-B of the District of Columbia Municipal Regulation ("DCMR")

² Although I may not discuss every aspect of the evidence in the analysis of this case, I have carefully considered the entire record. *See Antelope Coal Co./Rio Tino Energy America v. Goodin*, 743 F.3d 1331, 1350 (10th Cir. 2014) (citing *Clifton v. Chater*, 79 F.3d 1007, 1009-10 (10th Cir. 1996)) ("The record must demonstrate that the ALJ considered all of the evidence, but an ALJ is not required to discuss every piece of evidence").

Chapter 600, Rule 604.1 states this Office has jurisdiction in matters involving District Government employees appealing a final agency decision affecting:

- (a) A performance rating resulting in removal;
- (b) An adverse action for cause that results in removal, reduction in grade, or suspension for 10 days or more; or
- (c) A reduction-in-force; or
- (d) A placement on enforced leave for ten (10) days or more.

The District Personnel Manual (“DPM”) § 227.4, provides in relevant part that “separation from government service during a probationary period is neither appealable nor grievable”. Thus, according to the preceding sections of the DPM, DCMR, and the CMPA, Career Service employees who are serving in their probationary period are precluded from appealing a removal action to this Office until their probationary period is finished. OEA has no authority to review issues beyond its jurisdiction.³ This Office has consistently held that an appeal by an employee serving in a probationary status must be dismissed for lack of jurisdiction.⁴

In her Petition, Employee admits that she had worked for the Agency for less than seven (7) months at the time of separation.⁵ Employee further acknowledges that her termination occurred during her probationary period.⁶ The OEA Board has previously held that an employee’s admission is sufficient to meet the Agency’s burden of proof.⁷ Therefore, I find that Employee was within her probationary period at the time of separation from the Agency. Consequently, I conclude that OEA lacks jurisdiction over this matter as Employee was removed from service during her probationary period.⁸

Failure to Prosecute

OEA Rule 624.3 states in relevant part that “if a party fails to take reasonable steps to prosecute or defend an appeal, the Administrative Judge, in the exercise of sound discretion, may dismiss the action or rule for the appellant. Failure of a party to prosecute or defend an appeal includes, but is not limited to, a failure to:

- (a) Appear at a scheduled proceeding after receiving notice;
 - (b) *Submit required documentation after being provided with a deadline for such submission;*
- or

³ See *Employee v. D.C. Fire & Medical Emergency Services*, OEA Matter No. 1601-0080-24 (September 24, 2024); *Employee v. Department of Public Works*, OEA Matter No. J-0076-25, *Opinion and Order on Petition for Review* (June 4, 2026).

⁴ See e.g., *Alexis Parker v. Department of Health*, OEA Matter No. J-0007-11 (April 28, 2011); *Employee v. D.C. Public Schools*, OEA Matter No. 1601-0024-26 (April 14, 2026).

⁵ Employee’s Petition, p.1 (July 16, 2026).

⁶ *Id.* at pp 7-8.

⁷ *Employee v. D.C. Fire and Emergency Medical Services Department*, OEA Matter No. J-0036-20 (February 3, 2022).

⁸ Because I find that Employee was separated from service during her probationary period, I will not address the issues of retaliation or discrimination.

- (c) Inform this Office of a change of address which results in correspondence being returned.”⁹
(emphasis added)

This Office has consistently held that an employee’s failure to prosecute an appeal includes a failure to submit required documents after being provided with a deadline to comply with such orders.¹⁰ In the instant matter, Employee was warned in both the August 24, 2026, and September 14, 2026, Orders that failure to comply could result in sanctions, including dismissal of her appeal. As of the date of this decision, Employee has not submitted a brief on jurisdiction or Statement of Good Cause for failing to submit her brief. Employee’s responses were required to reach an informed decision in this matter. Accordingly, I find that Employee’s failure to respond is a violation of OEA Rule 624 and presents another valid basis for dismissing this matter. For these reasons, I further find that this matter should be dismissed for Employee’s failure to prosecute.

ORDER

It is hereby **ORDERED** that the Petition in this matter is **DISMISSED** for lack of jurisdiction.

FOR THE OFFICE:

/s/ ChôNayse Sellers

ChôNayse Sellers, Esq.
Administrative Judge

⁹ OEA Rule 624.3, 6-B DCMR Ch. 600 (December 27, 2021).

¹⁰ *David Bailey Jr. v. Metropolitan Police Department*, OEA Matter No. 1601-0007-16 (April 14, 2016); *Williams v. D.C. Public Schools*, OEA Matter 2401-0244-09 (December 13, 2010); *Brady v. Office of Public Education Facilities Modernization*, OEA Matter No. 2401-0219-09 (November 1, 2010).