

Notice: This decision may be formally revised before it is published in the *District of Columbia Register* and the Office of Employee Appeals' website. Parties should promptly notify the Office Manager of any formal errors so that this Office can correct them before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:	)	
	)	
EMPLOYEE ¹ ,	)	
Employee	)	
	)	OEA Matter No. J-0006-26
v.	)	
	)	Date of Issuance: February 2, 2026
D.C. HOUSING AUTHORITY,	)	
Agency.	)	
	)	MONICA DOHNJI, ESQ.
	)	Senior Administrative Judge
Employee, <i>Pro Se</i>		
Bianca White, Esq., Agency Representative		

INITIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

On October 21, 2025, Employee filed a Petition for Appeal with the Office of Employee Appeals (“OEA” or “Office”) contesting the District of Columbia Housing Authority’s (“Agency” or “DCHA”) decision to terminate her from service effective September 26, 2025. OEA issued a Request for Agency Answer to Petition for Appeal on October 22, 2025. Thereafter, on November 24, 2025, Agency filed its Motion to Dismiss stating that OEA lacked jurisdiction over this matter because Employee was a contract/temporary employee and because DCHA was explicitly excluded from the Comprehensive Merit Personnel Act (“CMPA”) provisions that confer jurisdiction to the Office of Employee Appeals.

This matter was assigned to the undersigned Senior Administrative Judge (“SAJ”) on November 24, 2025. Thereafter, on November 25, 2025, I issued an Order requiring the parties to submit briefs addressing the jurisdiction issue raised by Agency in its Motion to Dismiss. Employee’s brief was due by December 12, 2025, and Agency’s optional response was due by December 30, 2025. Both parties have now filed their respective briefs. After considering the

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

parties' arguments as presented in their submissions to this Office, I have decided that an Evidentiary Hearing is not required. The record is now closed.

ISSUE

Whether this Appeal should be dismissed for lack of jurisdiction.

BURDEN OF PROOF

OEA Rule § 631.1, 6-B District of Columbia Municipal Regulations ("DCMR") Ch. 600, et seq (December 27, 2021) states:

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

Pursuant to OEA Rule § 699.1, "Preponderance of the evidence" shall mean:

the degree of relevant evidence that a reasonable person, considering the record as a whole, would accept as sufficient to find that a contested fact is more likely to be 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.

JURISDICTION

For the reasons that will be outlined below, the jurisdiction of this Office has not been established in this matter.

FINDINGS OF FACT, ANALYSIS AND CONCLUSIONS OF LAW²

Employee was a contract Technical Trainer assigned to Agency by Robert Half, a staffing firm. Employee's assignment with Agency began on August 11, 2025, and she was terminated on September 26, 2025.

Employee's Position

Employee asserts that she was a Term employee hired through Robert Half, effective August 11, 2025. Employee notes that her assignment to Agency was terminated without prior

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").

notice or justification. She cites in her Petition for Appeal that she was on “a temporary appointment not under a probationary period.” Employee avers that her termination was taken without due process and in contradiction to established District policies and Agency’s internal employment protocol.³

Employee argues that OEA has jurisdiction over this matter because she “was hired into a structured six-month term appointment, was treated as a full-time staff member, and was entitled to procedural protection.” Employee notes that she was a “Term” employee and not a “temporary” employee.⁴ She contends that Agency’s status as an independent authority does not eliminate OEA’s jurisdiction over her appeal.⁵

Agency’s Position

Agency asserts that Employee is not employed by Agency, but rather, she is a ‘contractor’ from Robert Half firm, a specialized talent solutions firm that provides temporary staffing, and, as such, OEA does not have jurisdiction over this matter. It explains that individuals engaged through Robert Half are compensated directly by Robert Half, and that Agency pays Robert Half for its services pursuant to a contract.⁶

Agency also argues that this Office lacks the jurisdiction to adjudicate this matter because DCHA employees do not have appeal rights to OEA. Agency cites that it is explicitly excluded from the CMPA that confers jurisdiction to OEA. Additionally, Agency cites that OEA has consistently held that it lacked jurisdiction over appeals involving DCHA. Agency asserts that it is an independent authority of the District Government with a legal existence separate from the District government. Agency states that D.C. Code § 6-202(a) provides that DCHA has independent personnel authority and as a result, DCHA employees have no appeal rights to OEA. Agency argues that Employee has offered no authority indicating otherwise to rebut this dispositive point. As a result, Agency avers that OEA has no jurisdiction over Employee’s Petition for Appeal and that it should be dismissed.⁷

Agency further notes that even assuming that DCHA employees had appeal rights to OEA, as a temporary employee, Employee lacks appeal rights under the District of Columbia Housing Authority Personnel Policies and Procedure Manual (“PPPM”), 14 DCMR, 7100 *et seq.* Agency avers that Employee acknowledged that she was a temporary employee and had only worked for Agency for six (6) weeks before her termination. Agency contends that Employee was “at best, a contractor or a probationary employee under the PPPM.” Agency argues that this Office has consistently maintained that it lacks jurisdiction to hear appeals of employees challenging removals that occurred while they were still in probationary status. Agency asserts that neither

³ Employee’s Petition for Appeal (October 21, 2025). *See also*. Agency’s Reply Brief in Support of its Motion to Dismiss (December 31, 2025).

⁴ Employee’s Legal Brief on Jurisdiction (December 9, 2025).

⁵ *Id.*

⁶ Agency’s Motion to Dismiss (November 24, 2025).

⁷ *Id.*

contractors nor probationary employees have appeal rights under the PPPM, as such, this matter should be dismissed with prejudice for lack of jurisdiction.⁸

Jurisdiction

The threshold issue in this matter is one of jurisdiction. 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 OPRAA confer jurisdiction on this Office to hear appeals, with some exceptions. According to 6-B of the District of Columbia Municipal Regulation ("DCMR") § 604.1⁹, this Office has jurisdiction in matters involving District government employees appealing a final agency decision affecting:

- (a) A performance rating which results in removal of the employee;
- (b) An adverse action for cause which results in removal;
- (c) A reduction in grade;
- (d) A suspension for ten (10) days or more (Emphasis added);
- (e) A reduction-in-force; or
- (f) A placement on enforced leave for ten (10) days or more.

This Office has no authority to review issues beyond its jurisdiction.¹⁰ Therefore, issues regarding jurisdiction may be raised at any time during the proceeding.¹¹

Independent Agency

In the instant matter, the undersigned agrees with Agency's assertion that OEA does not have jurisdiction over this matter. It is well established before this tribunal that the District of Columbia Housing Authority ("DCHA") is an independent agency, created pursuant to the D.C. Housing Authority Act of 1999.¹² Pursuant to D.C. Official Code § 6-202 (a), DCHA was created as an "independent authority with a legal existence separate from District government." DCHA administers federally-funded programs for District of Columbia residents with low or moderate incomes. It is guided by federal provisions related to the administration of those programs. As a result, DCHA employees are excluded from the D.C. Merit Personnel systems found in Title 6 of the D.C. Official Code, which includes appeals to this Office.

⁸ *Id.*

⁹ See also, Chapter 6, §604.1 of the District Personnel Manual ("DPM") and OEA Rules.

¹⁰ See. *Banks v. District of Columbia Public Schools*, OEA Matter No. 1602-0030-90, *Opinion and Order on Petition for Review* (September 30, 1992).

¹¹ See. *Brown v. District of Columbia Public Schools*, OEA Matter No. 1601-0027-87, *Opinion and Order on Petition for Review* (July 29, 1993); *Jordan v. Department of Human Services*, OEA Matter No. 1601-0110-90, *Opinion and Order on Petition for Review* (January 22, 1993); *Maradi v. District of Columbia Gen. Hosp.*, OEA Matter No. J-0371-94, *Opinion and Order on Petition for Review* (July 7, 1995).

¹² *Darnellena Burnett v District of Columbia Housing Authority*, OEA Matter No. 2401-0049-14 (December 14, 2015) citing to D.C. Law 13-105, D.C. Official Code § 6-202 (2001).

Specifically, D.C. Official Code § 6-202.1(d) cites that “employees of the District of Columbia Housing authority shall be exempt from the provisions of this chapter.” DCHA has its own personnel authority set forth in D.C. Official Code §6-203. This provision states in pertinent part that DCHA is authorized to “(13) adopt and administer personnel policies and procedures, including grievance procedures subject to collective bargaining unit employees; and (21) to develop, establish, adopt and administer a personnel system, and publish rules and regulations setting forth minimum standards for all employees including appointments, promotions, *discipline*, grievance, *separation*, compensation, employee disability and death benefits, leave, retirement, health and life insurance and preferences (emphasis added).”¹³

Thus, I find that the D.C. Code jurisdictional limitations preclude this Office from addressing the current adverse action. Consequently, the undersigned concludes that based on the aforementioned D.C. Code provisions, DCHA is an independent agency with regard to the administration of its personnel matters.

Temporary Appointment

Assuming *arguendo* that this Office had jurisdiction over appeals filed by DCHA employees, I also find that OEA lacks jurisdictional authority over temporary employees and term employees who have not completed their probationary period. Employee concedes that she was hired by Robert Half, a temporary private staffing agency and assigned to a six (6) month contract at DCHA effective August 11, 2025. Employee further concedes in her Petition for Appeal that she was on “a temporary appointment not under a probationary period.”

This Office has consistently held that, OEA lacks jurisdiction over “Term” and “Temporary” employees.¹⁴ Pursuant to 6-DCMR § **209.12**, “the employment of an individual under a temporary or term appointment shall end on the expiration date of the appointment, on the expiration date of any extension granted by the personnel authority, or **upon separation prior to the specified expiration date in accordance with this section.**” (Emphasis added). Here, Employee asserts that she was hired for a six (6) month temporary position effective August 11, 2025, and she was subsequently terminated from her appointment on September 26, 2025, which is prior to the expiration of her six (6) month temporary assignment.

Furthermore, 6-DCMR § **209.6** provides that “[a]n employee serving under a temporary or term appointment shall not acquire permanent status solely on the basis of their temporary or term appointment.” Therefore, I find that the above-referenced regulation does not guarantee a Term or Temporary employee, such as Employee, a permanent position, or any position at all. Because of Employee’s status as a Temporary employee, I find that she was not in permanent status upon her removal and as such, her appeal cannot be heard by this Office. Additionally, pursuant to 6-DCMR § **209.13**, “a temporary employee may be separated *without notice prior to the expiration date of*

¹³ *Gerald Da’Vage v. District of Columbia Housing Authority*, OEA Matter No. 1601-0032-18 (March 19, 2019).

¹⁴ *Kyanna Feliciano v. Department of Behavioral Health*, OEA Matter No. J-0014-18, *Opinion and Order on Petition for Review* (September 4, 2018); *Roxanne Smith v. D.C. Department of Parks and Recreation*, OEA Matter No. J-0103-08, *Opinion and Order on Petition for Review* (May 23, 2011); *Carolynn Brooks v. D.C. Public Schools*, OEA Matter No. J-0136-08, *Opinion and Order on Petition for Review* (July 30, 2010); *Carla Norde v. Department of Human Resources*, OEA Matter No. J-0103-16, *Initial Decision* (January 6, 2017).

the appointment...” Based on the foregoing, I conclude that Employee has not met the required burden of proof, and that this matter must be dismissed for lack of jurisdiction. Consequently, I am unable to address the factual merits, if any, of this matter.

ORDER

It is hereby **ORDERED** that Agency’s Motion to Dismiss **GRANTED**, and the Petition for Appeal in this matter is **DISMISSED** for lack of jurisdiction.

FOR THE OFFICE:

/s/ *Monica N. Dohnji*

MONICA DOHNJI, Esq.
Senior Administrative Judge