

Notice: This decision may be formally revised before it is published in the *District of Columbia Register*. 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:)	
)	
LEONARD A. NADYBAL)	
Employee)	
)	OEA Matter No.: J-0029-04
v.)	
)	Date of Issuance: December 21, 2006
OFFICE OF THE CHIEF FINANCIAL)	
OFFICER)	
Agency)	
)	

OPINION AND ORDER
ON
PETITION FOR REVIEW

Leonard Nadybal ("Employee") was a Supervisory Procurement Analyst with the Office of the Chief Financial Officer ("Agency") until he was subjected to a reduction-in-force ("RIF"). As a result of the RIF, Employee submitted a claim to Agency stating that his severance pay was short by \$39,222 and asking that Agency pay him that amount. When Agency did not respond to his request, Employee filed a Petition for Appeal with the Office of Employee Appeals ("OEA").

In an Initial Decision issued February 2, 2004 the Administrative Judge dismissed Employee's appeal for lack of jurisdiction. The Administrative Judge found that

Employee's claim was not an appeal of an adverse action or RIF but rather was a grievance claim. Because OEA no longer has jurisdiction over grievance appeals, the Administrative Judge dismissed the claim.

On February 10, 2004, Employee filed a Petition for Review. Essentially Employee argues that his appeal is not a grievance. Unfortunately for Employee just because he believes that his appeal is not a grievance does not change the fact that it is a grievance. Clearly Employee is not appealing from an adverse action or the RIF that resulted in his removal from Agency. Rather as Employee states, "[m]y filing before the OEA is an appeal to the denial of a claim for money that was not paid, and which, by not being paid violated a federal law."¹ Such a claim is in fact a grievance over which, as the Administrative Judge correctly held, this Office no longer has jurisdiction. For these reasons, we will uphold the Initial Decision and deny Employee's Petition for Review.

¹ *Petition for Review* at 2.

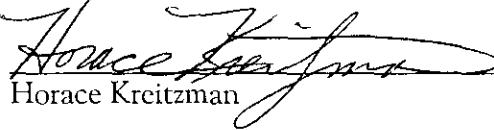
ORDER

Accordingly, it is hereby **ORDERED** that Employee's Petition for Review is **DENIED**.

FOR THE BOARD:

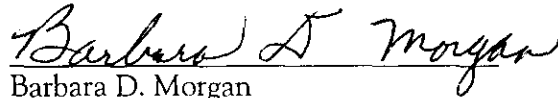


Brian Lederer, Chair



Horace Kreitzman

Keith E. Washington



Barbara D. Morgan

The Initial Decision in this matter shall become a final decision of the Office of Employee Appeals 5 days after the issuance date of this order. An appeal from a final decision of the Office of Employee Appeals may be taken to the Superior Court of the District of Columbia within 30 days after formal notice of the decision or order sought to be reviewed.