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THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	
)	
Marquita Richardson)	OEA Matter No. J-0040-08
Employee)	
)	Date of Issuance: February 27, 2008
v.)	
)	Sheryl Sears, Esq.
Department of Corrections)	Administrative Judge
Agency)	
_____)	
Edwin Hull, Employee Representative ¹)	
Devon Brown, Director, Agency)	

INTRODUCTION AND FINDINGS OF FACT

Employee was a Legal Instrument Examiner. Near the end of Employee's one year probationary period in that position, Devon Brown, Agency Director, notified Employee that she was terminated effective on January 10, 2008.

JURISDICTION

This Office does not have jurisdiction over this appeal.

ISSUES

Whether this appeal should be dismissed for lack of jurisdiction.

BURDEN OF PROOF

OEA Rule 629.2, 46 D.C. Reg. 9297 (1999) states that "[t]he employee shall have the burden of proof as to issues of jurisdiction . . ." Accordingly, Employee has the burden of proving that this Office has jurisdiction over her appeal.

¹ Employee presented, along with her petition for appeal, a designation of representative. In the space for indicating the name of her representative, she entered "Mr. Hull." This Judge contacted Mr. Hull by telephone on February 20, 2008. He advised that his first name is "Edwin."

ANALYSIS AND CONCLUSIONS

In accordance with OEA Rule 629.2, 46 D.C. Reg. 9317 (1999), Employee has the burden of proof on issues of jurisdiction. The Office of Employee Appeals was established by the D.C. Comprehensive Merit Personnel Act of 1978 (CMPA), D.C. Official Code § 1-601-01, *et seq.* (2001). Effective October 21, 1998, the Omnibus Personnel Reform Amendment Act of 1998 (OPRAA), D.C. Law 12-124, amended some sections of the CMPA.

OPRAA vests this Office with the authority to hear appeals from permanent employees in the Career or Education Service who have successfully completed their probationary periods. Employee, who was serving her probationary period, was not covered by the provisions that afford appeal rights to career service employees. Therefore, this Office does not have jurisdiction over this appeal and it must be dismissed.

ORDER

It is hereby ORDERED that this petition for appeal is dismissed for lack of jurisdiction.

FOR THE OFFICE:

SHERYL SEARS, ESQ.
ADMINISTRATIVE JUDGE