

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:)	
)	
RENELL BLACKWELL)	
Employee)	
)	OEA Matter No.: 1601-0100-07
v.)	
)	Date of Issuance: November 23, 2009
DISTRICT OF COLUMBIA PUBLIC)	
SCHOOLS)	
Agency)	
)	

OPINION AND ORDER
ON
PETITION FOR REVIEW

Renell Blackwell (“Employee”) worked for the District of Columbia Public Schools (“Agency”) as a teacher at McKinley Technology High School. In 2002 Agency notified Employee that it was granting her a nonrenewable provisional teaching license. At this same time Agency informed Employee that the provisional license would expire on September 1, 2005. Because Employee never submitted documentation to show that she had completed the requirements to obtain the teaching license, Agency reasoned that

Employee lacked the basic qualifications for her position and terminated her as a result. The termination took effect July 5, 2007.

On July 24, 2007, Employee filed a Petition for Appeal with the Office of Employee Appeals (“OEA”). In an Initial Decision issued November 28, 2007, the Administrative Judge dismissed Employee’s appeal for lack of jurisdiction. The Administrative Judge held that because Employee never obtained a teaching license, she never became a permanent Employee. Rather, according to the Administrative Judge, Employee was an at-will employee who had no right to appeal her termination to OEA.

Thereafter, Employee filed a Petition for Review. Employee argues in her petition that Agency’s action of reassigning her from Wilson Senior High School to McKinley Technology High School prevented her from obtaining the teaching license. Employee goes on to argue that Agency engaged in an unlawful act by allegedly discriminating against her and “deliberately set[ting] her up for failure.”¹ For these reasons, Employee asks us to reverse the Initial Decision.

Even if the allegations Employee makes are true, they do not serve to establish this Office’s jurisdiction. Employee has not provided us with any proof to dispute that she was an at-will employee. In order for this Office to consider Employee’s appeal, she must first establish this Office’s jurisdiction by showing that she was a permanent employee of Agency. Employee has not done this. Therefore, we must deny Employee’s Petition for Review and uphold the Initial Decision.

¹ *Employee’s Petition for Review.*

ORDER

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

FOR THE BOARD:

Sherrí Beatty-Arthur, Chair

Barbara D. Morgan

Richard F. Johns

Hilary Cairns

Clarence Labor, Jr.

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.