

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 Chief Operating Officer 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 ,)	OEA Matter No. 1601-0077-22R24
)	
v.)	Date of Issuance: April 14, 2026
)	
DISTRICT OF COLUMBIA)	
RETIREMENT BOARD,)	MONICA DOHNJI, ESQ.
Agency)	SENIOR ADMINISTRATIVE JUDGE
)	
Donna Williams Rucker, Esq., Employee Representative		
Miguel Eaton, Esq., Agency Representative		

INITIAL DECISION ON REMAND

INTRODUCTION AND PROCEDURAL HISTORY

On August 15, 2022, Employee filed a Petition for Appeal with the D.C. Office of Employee Appeals (“OEA” or “Office”) contesting the District of Columbia Retirement Board’s (“DCRB” or “Agency”) decision to terminate her from her position as a General Counsel and Ethics Counselor, effective July 15, 2022. On August 15, 2022, OEA issued a Request for Agency’s Answer to Employee’s Petition for Appeal. Agency filed its Answer to Employee’s Petition for Appeal on September 13, 2022.

Following an unsuccessful attempt in mediation, this matter was assigned to the undersigned Senior Administrative Judge (“SAJ”) on December 2, 2022. A Status/Prehearing Conference was held in this matter on February 15, 2023. Both parties were present for the scheduled Status/Prehearing Conference. Thereafter, I issued a Post Status/Prehearing Conference Order requiring the parties to submit written briefs addressing the issues raised at the Status/Prehearing Conference. Both parties submitted their respective briefs as required. After considering the parties’ arguments as presented in their submissions to this Office, the undersigned issued an Initial Decision (“ID”) on July 28, 2023, reversing Agency’s action for violating the “90-Day-Rule”.

Agency appealed the ID to the District of Columbia Superior Court and on September 24, 2024, this Court issued a Memorandum Opinion and Order remanding the Case to OEA.² Specifically, the D.C. Superior Court Judge remanded the matter to OEA “for a determination of (1) whether Employee’s status was Career Service, Legal Service, or Senior Executive Attorney Service at the time DCRB commenced its

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

² *DCRB v. D.C. Office of Employee Appeals, et. al.*, No. 2023-CAB-005159 (September 24, 2024).

removal action against her; and (2) whether OEA has subject-matter jurisdiction to hear Employee's appeal." Accordingly, on February 12, 2025, I issued an Order requiring the parties to submit written briefs addressing the above referenced issues. While Employee filed its brief as required, the undersigned was subsequently informed by the parties that the current matter was pending before the D.C. Court of Appeals ("DCCA"). As such, on March 10, 2025, the undersigned issued an Order holding this matter in abeyance, pending the outcome of the DCCA's decision. On March 19, 2026, the DCCA issued a judgement in this matter noting that "[f]or the foregoing reasons, we conclude that [Employee] was an at-will employee who had no right to appeal her termination to OEA."³ The DCCA cited that "We reverse the order of the Superior Court, and we remand the case to the Superior Court with instructions to further remand the case to OEA for the dismissal of [Employee's] appeal to OEA."⁴ Subsequently, on April 6, 2026, the D.C. Superior Court issued an Order remanding this matter to OEA "pursuant to the Judgment issued by the District of Columbia Court of Appeals on March 19, 2026..."⁵ The record is now closed.

JURISDICTION

The jurisdiction of this Office, pursuant to *D.C. Official Code, § 1-606.03 (2001)*, has not been established.

ISSUE

Whether Employee's Petition for Appeal should be dismissed.

FINDINGS OF FACT, ANALYSIS AND CONCLUSIONS OF LAW

Here, the DCCA in its March 19, 2026, Order found that OEA did not have jurisdiction over Employee's Petition for Appeal. The DCCA reversed the D.C. Superior Court's Order and remanded this matter to the D.C. Superior Court with instructions to "further remand the case to *OEA for the dismissal of [Employee's] appeal to OEA.*" (Emphasis added). On April 6, 2026, the D.C. Superior Court issued an Order remanding this matter to OEA "pursuant to the Judgment issued by the District of Columbia Court of Appeals on March 19, 2026..." Consequently, in compliance with this directive from the D.C. Court of Appeals, I find that Employee's Petition for Appeal should be dismissed for lack of jurisdiction.

ORDER

It is hereby **ORDERED** that 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

³ *DCRB v. D.C. Office of Employee Appeals, et. al.*, No. 24-CV-0922 (March 19, 2026).

⁴ *Id.*

⁵ *See. DCRB v. D.C. Office of Employee Appeals, et. al.*, 2023-CAB-005159 (April 6, 2026). Thereafter, on April 9, 2026, Employee notified OEA's General Counsel via email, (the undersigned was copied on this email) that she had filed a Petition for Rehearing with the DC Court of Appeals on April 1, 2026. The D.C. Court of Appeals on April 13, 2026, issued an Order denying Employee's Petition for Rehearing. *See. DCRB v. D.C. Office of Employee Appeals, et. al.*, No. 24-CV-0922 (April 13, 2026).