Notice: This decision may be formally revised before it is published on the *District of Columbia Register* and OEA 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 OFFICE OF EMPLOYEE APPEALS

In the Matter of:	)	
	)	
EMPLOYEE,	)	OEA Matter No. J-0038-25
	)	
	)	Date of Issuance: November 25, 2026
v.	)	
	)	JOSEPH E. LIM, ESQ.
D.C. PUBLIC SCHOOLS,	)	SENIOR ADMINISTRATIVE JUDGE
Agency	)	

Employee *pro se*[1]
Gehrrie Bellamy, Esq. Agency Representative

INITIAL DECISION

PROCEDURAL HISTORY

On May 13, 2025, Employee filed a Petition for Appeal with the D.C. Office of Employee Appeals ("OEA" or "Office") contesting the D.C. Public Schools' ("DCPS" or "Agency") decision to terminate him from his position as a Special Police Officer with DCPS. On April 9, 2025, Employee was issued with a "Notice of Voluntary Resignation" under 5-E DCMR §1020.6.

In response to OEA's May 14, 2025, letter, Agency submitted its Answer to Employee's Petition on June 11, 2025. In its Answer, Agency filed a Motion to Dismiss, stating that Employee had abandoned his position. On June 17, 2025, I denied Agency's Motion after Employee denied abandoning his job. A Prehearing Conference in the above matter was held on August 25, 2025. Following the Prehearing Conference, the undersigned determined that an Evidentiary Hearing was required in this matter. Thereafter, I scheduled and held an Evidentiary Hearing on December 9, 2025. The record is now closed.

JURISDICTION

The Office has jurisdiction in this matter pursuant to D.C. Official Code § 1-606.03 (2001).

ISSUES

1) Whether Agency had cause to institute the current adverse action against Employee for job abandonment; and if so,

2) Whether the penalty of termination is appropriate under applicable District laws, rules,

11 Employee's attorney from Alan Lescht & Associates, P.C. withdrew their representation of Employee on December 4, 2025.

regulations and the Table of Illustrative Action.

SUMMARY OF MATERIAL TESTIMONY

The following represents a summary of the relevant testimony given during the Evidentiary Hearing as provided in the transcript.

Antonia Evans ("Evans") December 9, 2025, Transcript Pages 11-42.

Evans worked as a Return-to-Work Specialist with the D.C. Office of Risk Management. She was responsible for communicating with agencies and employees to assist injured workers with transitioning back to work after following work-related injuries. She was also responsible for providing case management services related to employees' progress.

Evans testified that Employee had a workers' compensation claim but was able to work under a modified work program. She stated that as of October 25, 2024, Employee was medically cleared to return to light duty. Evans explained that Employee working in a light-duty capacity meant that Employee was not required to perform the duties of his pre-injury position. She further testified that there was no expiration date for Employee's light-duty status because he had not been medically cleared to return to full duty. Evans also stated that on October 31, 2024, she was notified that Employee had not attended his medical appointments.

Evans stated that she received a referral to place Employee on modified duty toward the end of October 2024. She explained that she emailed DCPS, where Employee worked, to determine whether Agency could accommodate Employee's work restrictions. Agency responded that it could accommodate Employee's restrictions and would place Employee at the Fusion Center.

Evans testified that Employee sent her an email on November 18, 2024, at 3:09 p.m., regarding his work assignment at Agency's Fusion Center. She recalled Employee requesting access to the school building. Employee informed her that Agency did not have a tour of duty past 6:00 p.m. at the Fusion Center and did not offer weekend hours at that location. Evans responded by informing Employee that the Fusion Center operated twenty-four hours a day and that if he needed to change his schedule, he should contact his supervisor. She also advised Employee that he should wear his uniform but, because he was on modified duty, he was not required to carry his firearm.

Evans testified that Employee had received both written and verbal notification directing him to report to Agency's Fusion Center on November 18, 2024, at 2:00 p.m. Evans stated that Agency subsequently confirmed that Employee had not returned to work. She further testified that Employee failed to report to his required medical appointments, which resulted in the suspension of his workers' compensation claim. Evans explained that the purpose of the medical appointments was to provide employees with treatment to facilitate their recovery and to allow their medical progress to be monitored. According to Evans, Employee remained on light-duty status from November 2024 through April 2025. Tr. 38-40.

Evans corresponded with Agency regarding Employee on March 28, 2025.[2] Evans explained that the email exchange occurred because she had been notified that Employee had not reported to work and that guidance was needed regarding the next steps. Evans emailed Mr. Bogues, Mr. Alston, Mr. Brown, and included the Labor Relations Management Employee Relations ("LMER") on the email. The recipients confirmed that they had not heard from Employee. On April 1, 2025, Evans sent an email inquiring whether Employee had a return-to-duty date. LMER responded that same day and advised that Employee was scheduled to return to work on April 4, 2025. Evans further testified that on April 9, 2025, she received communication from Mr. Brown, indicating that he was awaiting Employee's voluntary resignation letter.

Michelle Parsons ("Parsons") Transcript Pages 43-55.

Parsons worked as a Claims Examiner for the Office of Risk Management ("ORM"), Public Sector Workers' Compensation Program. As a Claims Examiner, she was responsible for facilitating lost-time and medical benefits arising from workers' compensation injuries. Parsons testified that Employee's injury occurred on October 1, 2024, and that his claim for benefits was accepted on October 30, 2024. She facilitated the medical component of Employee's claim and the payment of temporary total disability lost-wage benefits. She further testified that Employee had sustained injuries to his lower-right leg and Achilles and that his November 14, 2024, medical record indicated that he had tendonitis.

Parsons testified that injured workers were required to attend all medical treatment appointments. She explained that when an injured worker was assigned to a modified-duty placement, the worker was required to report to the modified-duty assignment once the placement has been made available. Parsons stated that to track an injured worker's treatment, the worker typically received treatment at Concentra Medical Center and was referred to an orthopedic physician. Following treatment, progress notes were uploaded to a portal for review. Parsons explained that she could also review the records to determine whether an employee had missed an appointment or had been considered a no-show. She testified that when an employee failed to comply with required medical treatment, the employee's benefits were subject to suspension for noncompliance.

Parsons recalled contacting Employee on two occasions regarding his modified-duty placement. On both occasions, Employee provided a reason for not reporting to the assignment. Parsons did not recall whether Employee ever reported to the modified-duty assignment. Parsons testified that Employee had approximately twelve visits. She explained that many of those visits could have involved physical therapy, which could occur up to three times per week, while visits with a medical doctor generally occur once a month. Parsons testified that the last medical appointment Employee attended was on December 20, 2024.

Lieutenant Ronald Bogues, Jr. ("Bogues") Transcript Pages 56-79.

Bogues worked as an evening Lieutenant Shift Supervisor with Agency's Police. He was responsible for overseeing evening-shift operations and distributing schedules to the evening-shift officers. The officers monitored the schools and ensured that the building and surrounding

22 Agency's Exhibit 3, which consisted of an eight-page email exchange.

properties were secure.

Bogues testified that he was notified by email of Employee's workers' compensation claim from an injury on October 1, 2024. Bogues testified that Employee was to join his shift towards the end of September 2024. According to Bogues, Employee's responsibilities included patrolling the city, monitoring the schools, ensuring the safety of the schools, ensuring the buildings were locked and the properties were secured.

Bogues stated that he never saw Employee return to work. He explained that he received an email from workers' compensation indicating that Employee would return to work in a light-duty status. According to Bogues, the light-duty accommodation was in the dispatch area, which was located at the Command Center. An officer assigned to that area answered telephones, entered information into QuickBase for information logs, and responded to officers who communicated by radio.

Bogues stated that Employee did not report for his shift because, had Employee reported, he would have been required to obtain his equipment directly from Bogues. He further explained that because of Employee's injury, Employee would not have been able to climb the stairs, so Bogues would have brought the equipment downstairs to him. Bogues also would have provided Employee with transportation or a government vehicle to travel to the Fusion Center. Employee, however, never contacted Bogues to obtain the equipment or transportation.

Bogues testified that employees were responsible for entering their own time into the timekeeping system ("PeopleSoft"). However, Bogues entered Employee's time because Employee should have returned to duty but had not done so. He stated that Employee had been directed to report to V Street to meet with him and obtain his equipment. Bogues further testified that he emailed Employee on December 20, 2024, directing him to meet at V Street.

Bogues stated that Sargent Harrison ("Harrison"), worked at the Fusion Center and returned to V Street at the end of her shift. Employee was ultimately supposed to relieve Harrison at the Fusion Center. Harrison informed Bogues that she had not seen Employee at the Fusion Center and relayed that information to him each day when she returned from the Fusion Center. Bogues acknowledged that he did not personally go to the Fusion Center to determine whether Employee was there. Bogues testified that he did not go to the Fusion Center to confirm Employee's presence because Employee's reporting time was 1400 hours. Harrison was at the Fusion Center and when she returned to V street at the end of her shirt to be relieved from duty, she informed Bogues that she had not seen Employee. Bogues explained that had Harrison seen Employee, she would have notified him, and he would have provided Employee with his equipment. According to Bogues, Employee could not have entered the command area without either speaking with Harrison or calling someone to obtain access.

Bogues explained that an employee needed an Identification ("ID") badge to enter the Fusion Center. The badge was required to enter the front door, access the elevator, travel to the command area, and gain access after exiting the elevator. Bogues testified that without the badge or assistance from Harrison, Employee would not have been able to access the command area. If Harrison had seen Employee, she would have notified Bogues, and he would have responded. Bogues further testified that when Employee failed to report to work, he had to assign another

officer to cover the position for that day.

Bogues clarified that the equipment to which he referred included Employee's access card, which Employee needed to enter the Fusion Center. He testified that Employee's first scheduled day at the Fusion Center was November 18, 2024. Because Employee did not report, Bogues assigned other officers to relieve Harrison. Bogues noted that there was no designated officer assigned to replace Employee. Bogues testified that officers received either transportation or were provided with an Agency government vehicle to travel to the Fusion Center. He reiterated that Employee was required to report to V Street to obtain his equipment.

Bogues testified that had Employee reported to the Fusion Center, Employee would have contacted him to obtain his equipment, but Employee never did so. Bogues explained that alternatively, Harrison would have seen Employee when she was leaving the Fusion Center and would have contacted someone to report that Employee was there. An officer could then have provided Employee with a radio to communicate with others. Bogues marked Employee as Absent Without Official Leave ("AWOL") and Employee did not receive pay for that time.

Bogues testified that he did not enter Employee's workers' compensation status into PeopleSoft because workers' compensation payments were handled separately. Bogues also testified that he was unaware that Employee had been locked out of PeopleSoft. Bogues stated that Employee had been considered AWOL since November 18, 2024.

Captain Michael Alston ("Alston") Transcript Pages 80-94.

Alston worked in Agency's Division of School Security and served as a manager for the School Police Unit. He was responsible for managing the Unit's day-to-day operations across all shifts. Alston explained that there were three shifts, which provided coverage twenty-four hours a day, seven days a week.

Alston testified that Employee was hired as an Agency police officer and that he recalled Employee sustaining an injury while performing his work duties. Alston explained that Bogues notified him of the incident and that he subsequently learned that Employee had filed a workers' compensation claim arising from his injuries. After Employee filed the workers' compensation claim, Alston was not aware of Employee reporting for duty from Bogues. Although Alston did not work directly with Employee, he oversaw the operations and was kept appraised of Bogues's follow-up efforts concerning Employee. Alston ensured that Bogues sent emails to and followed up with Employee. Alston also worked with the Americans with Disabilities Act ("ADA") accommodations team. According to Alston, Employee never reported to work.

Alston stated that he outranked Bogues. He further explained that Bogues was Employee's direct supervisor and was identified as Employee's direct report on PeopleSoft, where Employee's time and attendance was maintained. Alston testified that prior to December 1, 2025, officers were provided transportation to the Fusion Center by Agency personnel because of parking and traffic issues. He stated that an officer working at the Fusion Center needed a radio. Alston said that officers' radios, including Employee's radio, were typically kept at V Street when the officers were not on duty.

Alston stated that when he was informed that Employee had not reported to the Fusion Center, he instructed the other officers to communicate with Employee in accordance with the leave policy. He explained that if an employee failed to report to work, a report would be prepared regarding the employee's absence. Alston further testified that the established reporting process required an officer to report to V Street and obtain transportation to the Fusion Center.

According to Alston, officers were responsible for entering their own time into PeopleSoft, while their supervisors were responsible for managing and approving their timesheet. Alston testified that he did not direct Bogues or Lieutenant Jones to go to the Fusion Center to determine whether Employee had reported to work. He reiterated that the reporting procedure required Employee to report to V Street and that Employee failed to do so.

Alston provided that if an officer had any questions or discrepancies concerning attire or transportation, the officer would contact their direct report. An officer in light-duty status would wear their uniform. If an officer had sustained a leg injury and needed to wear a walking boot, the boot would have been permitted. Alston further testified that an officer on light-duty most likely would not have been issued a firearm.

Ricky Brown, Jr. ("Brown") Transcript Pages 105-118.

Brown served as the Deputy Chief for Agency's School Security Division. He oversaw multiple teams and was responsible for the safety and security of Agency's students, staff, and buildings. Brown testified that he was familiar with Employee's workers' compensation claim because he had been included in email communications when Employee was initially injured. Brown recalled that in April 2024, Employee was being directed to return to Agency. Initially, Brown's involvement consisted of monitoring and tracking Employee's progress and return-to-work status. Brown became more involved when Employee did not respond to emails concerning his return to work or instructions to contact colleagues for further guidance. Brown explained that the colleagues to whom he referred included individuals from LMER and Human Resources ("HR").

Brown testified that he personally confirmed whether Employee had reported to work. He explained that he routinely checked on the team and went to the Fusion Center, where Employee claimed that he was reporting for duty. Brown stated that Employee was assigned to the B shift, which began at 2:00 p.m., and ended at 10: 30 p.m., and roll call was conducted at the beginning of the shift. Although Brown could not recall the exact date on which he went to the Fusion Center, he testified that he went to Employee's assigned desk and did not see Employee. Brown then walked through the entire floor and lobby but did not locate Employee. He took photographs of the empty desk for his records and as documentation of what he observed. After leaving the Fusion Center, Brown reported to LMER that Employee had not reported for duty.

Jorge Salazar ("Salazar") Transcript Pages 131-146.

Salazar worked as Agency's Director of Benefits and Leave. Prior to this position, he served as a Manager with LMER for five years. In that role, he managed Agency's relationships with the Teamsters Union and the American Federation of State, County and Municipal Employees ("AFSCME") Union. He also managed the return-to-duty process for all Agency employees.

Salazar testified that he was familiar with Employee through the return-to-duty process. He explained that Employee's supervisory chain requested that LMER issue Employee a return-to-duty notice based on the allegation that Employee was AWOL.[3] Salazar explained that when LMER received a request from a supervisor reporting that an employee had been AWOL, LMER would review the matter to determine whether a return-to-duty notice should be issued. As part of that review, LMER checked with the Leave of Absence Team to ensure that the employee was not on approved leave, such as leave under the Family with Medical Leave Act ("FMLA") or the D.C. Family and Medical Leave Act ("D.C. FMLA"). LMER also verified whether the employee was on leave pursuant to the Americans with Disabilities Act ("ADA"). Once LMER verified that the employee was not on approved leave, it issued a return-to-duty notice to the employee's work and personal email addresses on file. The notice also informed the employee that Agency had no record of the employee being on approved leave and that failure to report duty by the deadline would result in voluntary resignation.

Once Salazar issued the voluntary resignation notice to Employee, Employee responded to the LMER inbox, which was the proper procedure. According to Salazar, Employee stated in his email responses that he had reported for duty, which contradicted the information contained in the return-to-duty notice stated and voluntary resignation notices. In response, Salazar asked Employee to provide documentation establishing that he had reported for duty so that LMER could review the matter and determine whether its actions had been taken in error. Salazar testified that he had no record of Employee providing any documentation demonstrating that he had returned to work.

Salazar testified that LMER did not review the surveillance footage or send anyone to the Fusion Center to verify whether Employee had reported for duty. He explained that LMER relied on the supervisor's statement that Employee had not returned to work. Salazar further testified that, once an AWOL notification was issued, an employee had three calendar days to respond before they are terminated.

Employee Transcript Pages 147-171.

Employee testified that he worked as a Special Police Officer with Agency from April 23, 2023, until April 10, 2025. Employee testified that he sustained a work-related injury on October 1, 2024. He stated that he attended medical appointments as needed. According to Employee, some appointments were cancelled, others were rescheduled, and he also underwent Magnetic Resonance Imaging ("MRI"). Employee testified that throughout the course of his treatment, he remained under his physician's care and had not been medically released.

Employee testified that he reported to the Fusion Center as directed. He explained that the Fusion Center was a secure-access building that he was unable to enter because he did not have the required ID badge. Employee stated that he informed ORM and Agency supervisors that he could not access the building without an ID badge. According to Employee, when he attempted to enter the Fusion Center, he was turned away. He further testified that ORM instructed him not to report to V Street because due to his injury, he was unable to climb the stairs. He explained that

3 Agency's Exhibit 2, Return-to-Duty notice.

the security office was located upstairs and could only be accessed using the stairs.

Employee further testified that because of his injury, he was unable to drive to the Fusion Center but maintained that he reported to work. He stated that he told Lieutenant Johnson, who informed Bogues. Employee testified that on December 20, 2024, Bogues instructed him to report to V Street to obtain a radio. Employee stated that he called out sick through LMER by email on that date. He maintained that he reported to work every day except December 20, 2024. Employee also asserted that no one followed up with him to ensure that he was okay. Employee further testified that he reported to work each day from November 2024 through April 2025 without receiving compensation and that he wore the appropriate uniform, which consisted of a soft polo uniform shirt.

Employee testified that he was not paid from November 2024 through April 2025. He maintained that he reported to work every day and assumed that Agency would eventually correct the issue and provide him with backpay. Employee stated that he did not consider himself AWOL because he reported to work daily. He testified that he contacted Bogues three times but did not receive a response. Employee believed that his calls were not responded to because Agency was retaliating against him for filing a discrimination complaint. Employee explained that he contacted LMER and informed it that he had not received compensation. At one point, he believed that workers' compensation had assumed responsibility for his pay because of his work-related injury.

On cross-examination, Employee testified that he could not recall the dates that he reported to work at the Fusion Center. He maintained that the only day he did not report to work was December 20, 2024, when he was sick. Employee asserted that he reported to work every day from November 2024 through April 9, 2025. He stated that he drove his personal vehicle to the Fusion Center, and he was turned away twice. He repeated that he was unable to proceed beyond the front entrance because he did not have an ID badge. Employee testified that he emailed Agency approximately five or six times regarding his inability to access the building but did not receive a response to those emails. Employee testified that although he was a member of the Fraternal Order of Police, he did not inform anyone in his lodge or his representative of the difficulties he experienced obtaining an ID badge because Agency was not unionized.

FINDINGS OF FACT, ANALYSIS AND CONCLUSIONS OF LAW[4]

Pursuant to OEA Rule § 631.2, Agency has the burden of proving by a preponderance of the evidence that the proposed disciplinary action was taken for cause.[5] The District Personnel Manual ("DPM") regulates the manner in which agencies in the District of Columbia administer adverse and corrective actions. DPM § 1602.1 provides that disciplinary action against an employee may only be taken for cause. Agency terminated Employee for "a failure to report to work after notice shall be deemed a voluntary resignation due to abandonment of position," pursuant to D.C. Municipal Regulations, Title 5-E, Chapter 10, Section 1020.6.[6] Section 1020.6

4 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").
5 68 DCR 012473 (December 27, 2021), 6-B DCMR Ch. 600.
6 Agency Exhibit 1. April 9, 2025, Notice of Voluntary Resignation.

further states "this voluntary resignation shall not be considered an adverse action."

For a list of adverse actions and associated penalties, Agency's governing authority found in Chapter 8-B District of Columbia Municipal Regulations ("DCMR") § 1503 - Misconduct and Performance Deficiencies. Specifically, 8-B DCMR § 1503 provides a list of classes of conduct and performance deficiencies which constitute cause and warrant disciplinary action. 8-B DCMR § 1503.4(f)(2) addresses Attendance-related offenses – unauthorized absence. Because 8-B DCMR does not include a table of penalty, the undersigned will rely on the table of penalty governing all adverse actions within the District of Columbia government found in Chapter 6-B DCMR §1607. Pursuant to 6-B DCMR §1607.6(a), the description of unauthorized absence includes being absent for ten (10) consecutive days or more, and it is considered *abandonment*. (Emphasis added).

1) *Whether Agency had cause to charge Employee with job abandonment/voluntary resignation.*

Pursuant to 8-B DCMR § 1503.4 and its corresponding provision under the Table of Illustrative Actions ("TIA") - 6-B DCMR §1607.6(a), to be charged with job abandonment, an employee must be absent for ten (10) or more consecutive days.

Resignation/Termination

Agency argues that Employee either abandoned his job, or voluntarily resigned his position, and as a result, it treated his actions as a voluntary resignation. The OEA Board, in *Catherine Duvic v. Department of Behavioral Health,* OEA Matter Number J-0012-15, *Opinion and Order on Petition for Review* (September 13, 2016) and *Debra Johnson v. D.C. Public Schools,* OEA Matter No. 1601-0037-13, *Opinion and Order on Petition for Review* (December 19, 2017), relied on *District of Columbia Metropolitan Police Department v. Stanley,* 942 A.2d 1172, 1175-1176 (D.C. 2008) to determine the voluntariness of resignations. In *Stanley,* the D.C. Court of Appeals held that the test to determine voluntariness is an objective one that, where considering all the circumstances, the employee was prevented from exercising a reasonably free and informed choice. The Court reasoned that as a general principle, an employee's decision to resign is considered voluntary "if the employee is free to choose, understands the transaction, is given a reasonable time to make his choice, and is permitted to set the effective date."

In the current case, the record is void of any letter of resignation from Employee. Although there is no proof of Employee submitting a resignation letter that met the *Stanley* court's requirements, in *Debra Johnson v. D.C. Public Schools,* OEA Matter No. 1601-0037-13, *Opinion and Order on Petition for Review* (December 19, 2017), the OEA Board held that failure to report to work *after notice* shall be deemed a voluntary resignation due to abandonment of position, and it shall not be considered an adverse action (emphasis added). Thus, if Agency could show that Employee failed to report to work after providing notice then it would be considered abandonment, and the abandonment would not be considered an adverse action.

The record in this matter clearly shows that on April 1, 2025, Agency provided notice to Employee that his continued failure to report to work, after his request for modified-duty

assignment was granted, would result in job abandonment.[7] Agency's notice contained language that Employee should return to work by April 4, 2025, and that failure to report to work would result in abandonment. I also find all of Agency's witnesses to be credible while I find that Employee lacked credibility. Agency has credibly showed that its work emails and documents showed ample documentation that there was regular communication among Agency personnel and management confirming Employee's absences from his workstation as well as Employee's reply denying his absence.[8]

Because Employee did not voluntarily resign, Agency had to show that it had cause to remove Employee from his position. In this matter, I found that Agency's witnesses credibly testified that they never saw Employee show up at his modified workstation. Agency's witnesses and documents showed that Employee was AWOL from November 20, 2024, to April 1, 2025.

All witnesses, including Employee, testified that it was necessary for Employee to obtain an ID badge for him to enter the Fusion Center. It was part of Employee's duties to obtain the ID badge and radio equipment from the V Street headquarters so that he could access his modified workstation. Employee claimed that he showed up in front of the Fusion Center everyday but never entered because he did not have the required ID badge. Employee does not deny that he never went to obtain these, contending that his superiors should have brought them to him. He claimed that on occasion, he spoke with fellow employees who saw him there but did not produce these witnesses at the hearing or offer any letters from them supporting his assertions. At times, Employee contradicted himself, saying that he could not drive to the Fusion Center and that Agency should have provided him transportation while also testifying that he drove himself to the Fusion Center on numerous days. Employee also claimed that he regularly called his superiors to say that he was at work and testified that he had phone records to back up his testimony. However, he never produced these records.

2) ***Whether the penalty of termination is appropriate under District law, regulations or the Table of Illustrative Actions***

Based on the foregoing, I found that Agency showed that Employee failed to report to work after providing notice. Pursuant to D.C. Municipal Regulations, Title 5-E, Chapter 10, Section 1020.6, Agency met its burden of proof that Employee had abandoned his job. The only penalty for AWOL of ten (10) or more consecutive days prescribed by 6-B DCMR §1607.6(a) for a charge of job abandonment is termination.[9] Accordingly, I find that Agency's penalty of termination must be upheld.

ORDER

Based on the foregoing, it is hereby **ORDERED** that Agency's action of removing Employee from service is **UPHELD.**

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7 Agency Exhibit 2.
8 Agency Exhibits 3, 4, and 5.
9 Also see Table of Illustrative Actions (f) Attendance related offenses (4) Unauthorized absence of five (5) workdays or more.

FOR THE OFFICE:

s/s Joseph Lim
JOSEPH E. LIM, ESQ.
Senior Administrative Judge