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THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:)	
)	
EMPLOYEE,)	OEA Matter No. J-0009-26
Employee)	
)	Date of Issuance: February 27, 2026
v.)	
)	Senior Administrative Judge
DEPARTMENT OF GENERAL SERVICES,)	JOSEPH E. LIM, ESQ.
Agency)	
)	
C. Vaughn Adams, Esq., Agency Representative)	
Employee, <i>Pro Se</i>)	

INITIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

On November 6, 2025, Employee filed a Petition for Appeal with the Office of Employee Appeals (“OEA” or “Office”) contesting the Department of General Services’ (“DGS” or “Agency”) decision to terminate her from her position as a Program Analyst, effective November 7, 2025. OEA requested Agency’s response on November 7, 2025. Agency filed its Motion to Dismiss Employee’s Petition for Appeal on December 5, 2025, stating that Employee was still in her probationary period at the time of her termination and as such, OEA lacked jurisdiction over this matter. I was assigned this matter on December 5, 2025.

Thereafter, I issued an Order on December 8, 2025, requiring Employee to address the jurisdictional issue raised by Agency on or before December 23, 2025. Agency had the option to submit a response on or before January 5, 2026. Both parties have submitted briefs addressing the jurisdiction issue in this matter. Because this matter could be decided on the basis of the documents of record, no proceedings were conducted. 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 this appeal should be dismissed for lack of jurisdiction.

FINDINGS OF FACT,¹ ANALYSIS AND CONCLUSIONS OF LAW²

On or around February 2025, Employee competed with several other candidates for a Career Service position of Program Analyst at the Agency. The DGS received eleven (11) resumes for this position at a Winter Job Fair in February. DGS Human Resources (“HR”) Director Shawn Winslow forwarded these resumes to DGS Associate Director for External Affairs, John Stokes (the supervisor for this position), on February 18, 2025.³ The Employee did not attend this career fair. However, her resume was submitted for consideration on February 19, 2025, by EOM HR Specialist Lonnisha Coates to DGS Chief of Staff Alan Karnofsky.⁴ After reviewing Employee’s resume and the resumes submitted to him from the Winter Career Fair, DGS Associate Director for External Affairs John Stokes reached out to Employee by telephone to discuss her qualifications for the position on February 25, 2025, and 26, 2025.⁵ Based on the hiring manager’s review of the resumes presented to him and his discussions with Employee, Associate Director Stokes selected Employee for the DGS Program Analyst position. Agency asserts all of this to be clear evidence that the Employee was competitively placed into her DGS career service Program Analyst position.

Analysis

The threshold issue in this matter is one of jurisdiction. This Office has no authority to review issues beyond its jurisdiction.⁶ Therefore, issues regarding jurisdiction may be raised at any time during the course of the proceeding.⁷ This Office’s jurisdiction is conferred upon it by law, and was initially established by the District of Columbia Comprehensive Merit Personnel Act of

¹ Uncontroverted facts based on official documents and parties’ narration.

² 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”).

³ Agency Answer, Exhibit attached email and redacted resumes.

⁴ EOM was trying to help her find another position (by forwarding her resume to DGS) but did not place her at DGS. EOM acknowledged in an email to Employee that DGS had control over the salary she received by directly indicating “I want to clarify that EOM HR does not dictate the salaries of positions offered by other agencies”. See email in Employee’s Appeal from EOM Human Resources dated February 27, 2025, within Agency Answer.

⁵ See attached Log of calls to Employee in Agency Answer.

⁶ See *Banks v. District of Columbia Public School*, OEA Matter No. 1602-0030-90, *Opinion and Order on Petition for Review* (September 30, 1992).

⁷ See *Brown v. District of Columbia Public School*, OEA Matter No. 1601-0027-87, *Opinion and Order on Petition for Review* (July 29, 1993); *Jordan v. Department of Human Services*, OEA Matter No. 1601-0110-90, *Opinion and Order on Petition for Review* (January 22, 1993); *Maradi v. District of Columbia Gen. Hosp.*, OEA Matter No. J-0371-94, *Opinion and Order on Petition for Review* (July 7, 1995).

1978 (“CMPA”), D.C. Official Code §1-601-01, *et seq.* (2001). It was amended by the Omnibus Personnel Reform Amendment Act of 1998 (“OPRAA”), D.C. Law 12-124, which took effect on October 21, 1998. Both the CMPA and OPRAA confer jurisdiction on this Office to hear appeals, with some exceptions not relevant to this case, of permanent employees in Career and Education Service who are *not serving in a probationary period*, or who have successfully completed their probationary period (emphasis added). In addition, pursuant to District Personnel Manual (“DPM”) § 227.4, an employee’s termination during a probationary period is not appealable to OEA nor grievable.

Probationary Period

Employee alleges that she was improperly classified as a probationary employee and submits that the Agency has failed to meet its burden to support dismissal at the jurisdictional stage. To support her contention, she points out that in Remarks Section 45 of her SF-50⁸ documenting her probationary status in the Career Service, Agency indicated that her employment is “Subject to completion of a one (1) probationary period beginning 03/23/3035.”⁹ Employee states that the date is facially erroneous and internally inconsistent since a probationary period cannot legally begin “ten years in the future and be used to justify a termination in 2025.”¹⁰ She asserts that a “defective or contradictory personnel action cannot serve as the basis for divesting OEA of jurisdiction.”¹¹

A SF-50 is an official employee personnel action document created by Human Resources and contained in an official personnel file. On October 23, 2025, Employee received a Notice of Termination during Probationary Period terminating her employment in the position of Program Analyst Grade 12-8 with the Department of General Services, effective November 7, 2025. According to her SF-50, Employee’s position was subject to “a one (1) year probationary period beginning 03/23/3035.” Because this starts Employee’s probationary period a hundred and ten years in the future, it is obviously a typographical error. It is nonsensical to have a probationary period that starts decades after employment starts. 6B DPM § 223.2 states, “Generally, a person appointed to a Career Service position shall be required to serve a probationary period of one (1) year...” A typographical error in the remarks section of an SF-50 cannot serve as a basis for upending an otherwise proper personnel action.

Additionally, Employee states in her brief on jurisdiction that she did not have a probationary period in her prior position as Employee said her pay and leave records show that there was no break in service since she started working for the D.C. Government in 2015.

However, DPM § 226.2 states in relevant part that: An employee who once satisfactorily completed a probationary period in Career Service shall be required to serve another probationary period when the employee... (a) Is appointed through open competition to a position with a

⁸ Standard Form 50 or SF-50 is the D.C. Government’s Notification of Personnel Action.

⁹ Agency Answer to Employee’s Petition, first Exhibit. Inexplicably, while Agency marked its exhibits, it did not number them.

¹⁰ Employee’s Jurisdiction Brief. Based on the SF-50, Employee erroneously infers that in the remarks section, her probationary period starts in 2035. However, based on my perusal of the document, the SF-50 says her probationary period starts in 3035, which is a thousand and ten years in the future.

¹¹ *Id.*

different educational requirement [or] (c) with different licensure, certification, or other similar requirements. Thus, continuous service does not mean a probationary period for a different position is no longer required.

Agency states that Employee's claim that her prior career service position eliminates the probation requirement for her appointment to a new career service position is erroneous. Agency states that there is no correlation between probation and continuous service. It points out that in her own brief, Employee admits that she was subject to two probationary periods for two positions, a call taker and as a dispatcher (taking and making calls) within call centers within the same agency. Employee completed her probationary requirement for career service as an Office of Unified Communications (OUC) Dispatcher. And prior to that, Employee completed her requirement as a Call Taker. However, on December 25, 2022, Employee was converted from her career service OUC Dispatcher position to an *excepted service* position as a Program Analyst with the Executive Office of the Mayor ("EOM") Mayor's Office of Community Relations ("MOCR").¹² After this, Employee came aboard with the Agency as a career service employee in a different Program Analyst role supporting a communications and marketing role rather than a primarily constituent-services-focused role. While these roles are similar or share a human resources title, the roles offer an apt analogy to the dispatcher and call center roles, and the roles also move between types of service. Thus, continuous government service offers no evidence that Employee could not have been and was not a probationary employee with the Agency. She converted positions and position types out of career service and switched agencies. She then converted positions and position types back into career service and switched agencies. Employee was subject to the probationary period accorded new agency hires for the different Program Analyst position at DGS. A District Government employee with continuous service to the District can switch positions and/or agencies and be subject to a new probationary period.

On March 23, 2025, Employee was hired by DGS and converted from her excepted service appointment position to a Career-Probation position per D.C. Code 1-608.01(a)(4).¹³ Employee's last civil service position prior to her excepted service position was as an OUC Dispatcher. This OUC Dispatcher position involved completely different skillset requirements from her Career Service Program Analyst position. As such, she was subject to a new one-year probationary period, because the requirements and skills for her new career service Program Analyst position were substantially different from her prior career service dispatcher position.¹⁴

Also, excepted service positions are political positions within the District Government. These positions do not come with career service protections or guarantees and are a fundamentally unique employment type from that of career service – thus the different naming. When an Administration turns over, most excepted service positions are ended and later filled with new professionals or not used in the new Administration at all.

¹² See October 30, 2025, Email from Shawn Winslow to Charlee Bell in Agency Answer.

¹³ See SF-50 dated March 28, 2025, from Agency Answer.

¹⁴ See DPM 226.2; *Employee v. District of Columbia Public Schools*, OEA Matter 1601-0023-23 (April 28, 2023) (Prior probationary period during employment as Elementary School Teacher cannot be calculated for probationary requirement for new position of Specialist-Restorative Practice). See also *Chantel Harris v. D.C. Department of Youth Rehabilitation Services*, OEA Matter J-0017-18 (March 9, 2018) (Probationary period for Management Liaison position required despite employee having served a probationary period as a Human Resources Generalist).

Open Competition

Open Competition is defined as a “hiring process that considers all applicants within an area of consideration for a given job.”¹⁵ If Employee was appointed by open competition, then she was required to serve a second probationary period if the new position was in a different line of work.¹⁶

Employee argues that Agency’s exhibits and statements do not prove that she had an open competition for her job and that she should not have a probationary period because there was no open competition for her position as she did not have an interview. Agency counters by stating that competitive hiring in the District Government does not require interviews.¹⁷ It asserts that a top choice candidate can be selected without an Agency inefficiently setting up a panel of interviews and wasting everyone’s time when there is a clearly best qualified candidate.

The facts show that Agency had an opening for a career service position of Program Analyst in February 2025 and sought candidates at a Winter Job Fair. Agency engaged with potential candidates at the career fair where it also obtained their respective resumes for further consideration. While Employee did not attend this career fair, the Executive Office of the Mayor sought to have its excepted service employee considered for a role elsewhere within the government, so EOM HR Specialist Lonnisha Coates forwarded Employee’s resume for consideration to DGS Chief of Staff Alan Karnofsky on February 19, 2025.¹⁸ DGS received eleven (11) resumes for this position. DGS HR Director Shawn Winslow forwarded these resumes to DGS Associate Director for External Affairs John Stokes (the supervisor for this position) on February 18, 2025.¹⁹ Employee competed with several other candidates. All candidates were spoken to orally by a representative from the Agency. After reviewing Employee’s resume and the resumes submitted to him from the Winter Career Fair, DGS Associate Director for External Affairs John Stokes reached out to Employee by telephone to discuss her qualifications for the position on February 25, 2025, and again on February 26, 2025.²⁰ Based on the hiring manager’s review of the resumes presented to him and his discussions with Employee, Associate Director Stokes selected Employee for the DGS Program Analyst position. Based on these uncontroverted facts, I find that Employee was competitively placed into her DGS career service Program Analyst position.

Probationary Period

Agency states in its Answer that an employee removed during a probationary period cannot appeal their removal to OEA. Agency explained that Employee was terminated during her one-year probationary period. Agency maintains that Employee began service on March 23, 2025, as

¹⁵ See DPM § 299 Definitions.

¹⁶ DPM § 226.2.

¹⁷ See DPM § 218.2 citing “when interviews are not used.”

¹⁸ Agency Answer, email in Employee’s Appeal from EOM Human Resources dated February 27, 2025.

¹⁹ Agency Answer, attached email and redacted resumes.

²⁰ Agency Answer, attached Log of calls to Employee.

a Program Analyst CS-12. Employee's SF-50 specifically informed her that she was subject to the completion of a one-year probationary period.

Agency further notes in its brief on jurisdiction that Employee's appointment to the Program Analyst position resulted from open competition. It explains that her position was in a different line of work from her prior job. Because Employee's previous position was in the Excepted Service, Agency submits that Employee was informed of the requirement to serve a probationary period when she was offered the position, and she accepted the position.²¹ Assuming for the sake of argument that Employee was not informed about the required probationary period, OEA has consistently held that OEA's jurisdiction is conferred on it by D.C. Code § 1-606.03(a) and not by Agency's assertions, or lack thereof, made in employment documents.²² Accordingly, I find that Employee did not complete her probationary period.

Section 227.4 of the DPM states that a termination during an employee's probationary period cannot be appealed to this Office. Additionally, this Office has consistently held that an appeal by an employee serving in a probationary status must be dismissed for lack of jurisdiction.²³ While Employee argues that she was not required to serve another probationary period because there was no break in service, DPM § 226.2(a) provides otherwise. DPM § 226.2 states in relevant part that:

An employee who once satisfactorily completed a probationary period in Career Service shall be required to serve another probationary period when the employee... (a) *Is appointed through open competition to a position with a different educational requirement [or] (c) with different licensure, certification, or other similar requirements.* (Emphasis added.)

Section 223.1 of the DPM states: "An agency shall utilize the probationary period as fully as possible to determine the employee's suitability and qualifications as demonstrated by the employee's knowledge, skills, and abilities as well as his or her conduct." DPM Section 225.1 states: "Satisfactory completion of the probationary period is a prerequisite to continued employment in the Career Service." Accordingly, in compliance with DPM §§ 223.1, and 225.1, I find that Employee was required to serve another probationary period and since she was terminated prior to completing the probationary period, I conclude that this Office lacks jurisdiction in this matter. Furthermore, Career service employees who are serving in a probationary period are precluded from appealing a removal action to this Office until their probationary period is over.

The record shows that Employee was hired effective March 23, 2025. Employee was terminated from her position effective November 7, 2025, without completing the one-year probationary period.²⁴ Accordingly, I find that Employee was removed from service when she was

²¹ Agency's Reply to Employee's Brief on Jurisdiction.

²² *Employee v. D.C. Public Schools*, OEA Matter No. 1601-0032-25, *Opinion and Order on Petition for Review* (January 29, 2026).

²³ See, e.g., *Day v. Office of the People's Counsel*, OEA Matter No. J-0009-94, *Opinion and Order on Petition for Review* (August 19, 1991); *Alexis Parker v. Department of Health*, OEA Matter No. J-0007-11 (April 28, 2011).

²⁴ Employee's Petition for Appeal, first attachment.

still within her probationary period. For these reasons, I conclude that Employee is precluded from appealing her removal to this Office.

Employee has the burden of proof on issues of jurisdiction, pursuant to OEA Rule § 631.2 which states: “For appeals filed under § 604.1, the employee shall have the burden of proof as to issues of jurisdiction, including timeliness of filing. The agency shall have the burden of proof as to all other issues.” OEA Rule § 631.1, 6-B District of Columbia Municipal Regulations (“DCMR”) Ch. 600, et seq (December 27, 2021) states: “The burden of proof for material issues of fact shall be by a preponderance of the evidence.” Employee must meet this burden by a “preponderance of the evidence” which is defined in OEA Rule § 699.1 as that “the degree of relevant evidence that a reasonable person, considering the record as a whole, would accept as sufficient to find that a contested fact is more likely to be true than untrue.”

Based on the foregoing, I find that Employee did not meet the required burden of proof, and that this matter must be dismissed for lack of jurisdiction. Consequently, I am unable to address the factual merits, if any, of this matter.

ORDER

It is hereby **ORDERED** that the Petition for Appeal is **DISMISSED** for lack of jurisdiction.

FOR THE OFFICE:

/Joseph Lim

Joseph Lim, Esq.

Senior Administrative Judge