**DISTRICT OF COLUMBIA**

**OFFICE OF EMPLOYEE APPEALS**

**NOTICE OF PUBLIC MEETING**

The District of Columbia Office of Employee Appeals will hold a meeting on January 16, 2025, at 9:30 a.m. The Board will meet remotely. Below is the agenda for the meeting.

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Password: Board  (26274 when dialing from a phone or video system)

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Questions about the meeting may be directed to wynter.clarke@dc.gov.

**Agenda**

D.C. OFFICE OF EMPLOYEE APPEALS (“OEA”) BOARD MEETING

Thursday, January 16, 2025, at 9:30 a.m.

Location: Virtual Meeting via Webex

1. **Call to Order**
2. **Ascertainment of Quorum**
3. **Adoption of Agenda**
4. **Minutes Reviewed from Previous Meeting**

1. **New Business**
	1. **Public Comments on Petitions for Review**
	2. **Summary of Cases**
		1. **Employee v.** **D.C. Fire & Emergency Medical Services Department, OEA Matter No. 1601-0082-22 –** Employee worked as a Firefighter/Technician for the District of Columbia Fire and Emergency Medical Services Department (“Agency”). Agency issued its Notice of Proposed Adverse Action to Employee on December 28, 2021. The notice proposed to demote Employee to the rank of a Firefighter/Emergency Medical Technician. Employee was charged with: (1) Violation of Agency Order Book, Article VI, § 6, Conduct Unbecoming an Employee; (2) Agency Bulletin No. 33, Social Media Policy, § II; and (3) Agency Bulletin No. 24, Anti-Hazing Policy. The proposed action notice explained that these violations amounted to neglect of duty as defined in [Agency’s] Order Book Article VII, Section 2(f)(3) and an on-duty/employment-related reason for corrective or adverse action as defined in [Agency’s] Order Book Article VII, § 2(g). According to Agency, on September 7, 2021, while on duty, Employee made disparaging comments in a chat on an Agency-wide virtual town hall meeting alleging that a colleague attempted to have sexual relations with a minor. On July 28, 2022, Agency issued its Final Notice of Adverse Action against Employee, demoting him from Firefighter/Technician to the rank of Firefighter/Emergency Medical Technician. The effective date of Employee’s demotion was August 28, 2022.

On September 27, 2022, Employee filed a Petition for Appeal with the Office of Employee Appeals (“OEA”). He asserted that his remarks about his colleague were made as a private citizen on a matter of public concern; thus, he posited that he did not violate Agency’s Anti-Hazing and Social Media policies. Additionally, Employee argued that his demotion was unwarranted and violated his First Amendment rights. As a result, he requested that the demotion be reversed and that he receive back pay and benefits lost as a result of the adverse action.

Agency filed its Answer to the Petition for Appeal on October 27, 2022. It contended that its penalty for Employee’s misconduct was warranted based on his inappropriate comments made about a colleague at an Agency virtual town hall meeting. Agency argued that Employee’s remarks violated its Social Media and Anti-Hazing policies by bullying, harassing, and publicly shaming a colleague on social media. As it relates to Employee’s First Amendment assertion, Agency argued that the free speech claim could not be protected in this instance because Employee did not speak as a private citizen, and his comments were not related to a matter of public concern. Additionally, it opined that it considered the *Douglas* factors beforereaching its decision to demote Employee. Therefore, Agency requested that Employee’s disciplinary action be upheld.

The OEA Administrative Judge (“AJ”) issued an order requesting the parties to submit briefs addressing whether the Fire Trial Board’s (“FTB”) decision was supported by substantial evidence; whether there was harmful procedural error; and whether Agency’s action was done in accordance with applicable laws or regulations. In its brief, Agency asserted many of the same arguments presented in its Answer to the Petition for Appeal. It explained that this was Employee’s fourth disciplinary action for misconduct within the past three years. Agency further opined that Employee exhibited a brazen attitude regarding the incident and showed no remorse for the inappropriate comments made against his colleague. Moreover, it contended that Employee’s disparaging comments impacted Agency’s operations.

In his brief, Employee argued that Agency failed to provide substantial evidence to support any findings of fact. He asserted that the comments posted in the chat during the virtual town hall meeting were not negative or disparaging towards his colleague but were posed as a question of public concern. Thus, Employee reasoned that the comments did not invalidate his right to engage in constitutionally protected speech.

The AJ issued an Initial Decision on April 15, 2024. He found that Employee failed to provide substantial evidence that his First Amendment rights were violated or that his assertions were a mere personal complaint. The AJ held that Agency did not commit harmless error, and it afforded Employee due process in the matter. Furthermore, he determined that Employee’s demotion was within the range of the Table of Penalties and that Agency appropriately considered the *Douglas* factors. Consequently, the AJ ruled that Agency’s action of demoting Employee be upheld.

Employee filed a Petition for Review with the OEA Board on May 21, 2024. He maintains many of the same assertions made throughout his appeal. Employee argues that there is no evidence that he had a history of hazing. Additionally, he claims that the Initial Decision was issued past the 120-business day deadline, as required in D.C. Code § 1-606.03. According to Employee, five hundred and sixty-seven (567) days passed before he received the Initial Decision. As a result, he requests that the Initial Decision be reversed.

On June 25, 2024, Agency filed its Opposition to Employee’s Petition for Review. It asserts that Employee filed his petition beyond the 35-calander day deadline; thus, the petition should be considered untimely. Agency also argues that the 35-day filing period is a mandatory claim processing rule, and Employee’s Petition for Review is not subject to equitable tolling. As it related to Employee’s assertions that the AJ did not issue the decision within 120 business days, Agency contends that the District of Columbia Court of Appeals held that the 120-business day timeframe is directory, not mandatory. It cites to*Anjuwan v. D.C. Department of Public Works*, 729 A.2d 883, 886 (D.C. 1998), in which the D.C. Court of Appeals ruled that OEA’s failure to comply with the 120-buisiness day requirement was not grounds for a reversal. Agency also notes that Employee contributed to the delay of the decision being issued when he filed his brief past the prescribed deadline. Accordingly, it requests that Employee’s Petition for Review be denied.

* + 1. **Employee v. D.C. Public Schools, OEA Matter No. 1601-0412-10R23 –** This matter was previously before the Office of Employee Appeals’ (“OEA”) Board. Employee was a Teacher with the District of Columbia Public Schools (“Agency”). On August 23, 2010, Agency issued a final notice of separation informing Employee that she would be removed from her position because she was not a permanent status employee; she failed to secure a position within sixty days of being excessed; and she did not receive a final rating of at least “Effective” under IMPACT, Agency’s performance assessment system. Consequently, she was terminated from employment effective August 23, 2010.

The Administrative Judge (“AJ”) issued an Initial Decision on January 29, 2013. The AJ found that Employee was an Education Service employee, and “…educational service employees who are serving in a probationary period are precluded from appealing a removal action to [OEA] until their probationary period is finished.” He found that Employee started working for Agency on January 3, 2010, and the effective date of her removal was August 23, 2010. As a result, the AJ held that pursuant to § 814.3 of the District Personnel Manual (“DPM”), OEA lacked jurisdiction over the matter. Accordingly, Employee’s appeal was dismissed.

On February 27, 2013, Employee filed a Petition for Review with the OEA Board. She argued that the AJ did not address all issues of the facts and law raised in her appeal. Employee opined that the relevant section of the DPM, used by the AJ, which addressed appeals by probationary employees, did not apply to Educational Service positions. It was Employee’s position that any employee can appeal a final agency decision to OEA which resulted in removal. Therefore, she requested that the Board reverse the Initial Decision and hold that OEA has jurisdiction over her appeal.

In response to the Petition for Review, Agency provided that Employee was not terminated based on any of the provisions provided in D.C. Code § 1-606.03, which outlined OEA’s jurisdiction. It argued that she was excessed in accordance with the procedures of the Collective Bargaining Agreement (“CBA”) that existed between it and the Washington Teachers’ Union (“WTU”). Lastly, Agency reasoned that because Employee was in a probationary status, she had no statutory right to appeal to OEA.

This Board issued its Opinion and Order on Petition for Review on June 10, 2014. It found that Employee was correct that the AJ incorrectly applied DPM § 814.3 to uphold her removal. The Board explained that DPM § 814.3 applies to Career Service employees and not Educational employees. Thus, it determined that the AJ improperly cited to this section of the regulation in the Initial Decision. However, the Board opined that the reference was *de minimis* because the AJ properly relied on 5 DCMR § 1307 in reaching his decision that Employee was properly removed. The Board explained that in accordance with 5 DCMR § 1307.3, Employee was required to serve a two-year probationary period. Because Employee was hired by Agency on January 3, 2010, the Board determined that the probationary period would not have ended until January 3, 2012. Specifically, it held that District government employees serving a probationary period did not have a statutory right to be removed for cause and could not utilize the procedures under the Comprehensive Merit Personnel Act, which includes appealing those actions to this Office. Consequently, the Board denied Employee’s Petition for Review for lack of jurisdiction.

Employee appealed the matter to the Superior Court of the District of Columbia. The Court found that there was substantial evidence in the record to support that the AJ properly relied on 5 DCMR § 1307.3 to conclude that Employee was required to serve a two-year probationary period. It held that Employee’s probationary period ended on January 3, 2012, and Employee was terminated on June 21, 2011, before her probationary period ended. Accordingly, the Court upheld the AJ’s decision.

The matter was then appealed to the District of Columbia Court of Appeals. On appeal before the D.C. Court of Appeals, Agency conceded that Employee had rights under the CBA, which according to Agency, made Employee neither an at-will employee nor a permanent employee but rather “something in between.” Accordingly, it requested that this matter be remanded to OEA. The Court of Appeals remanded the matter for OEA to determine whether it had jurisdiction over Employee’s appeal because Agency argued that Employee was indeed serving within her probationary period. Finally, the Court declined to consider Agency’s belated argument that Employee’s prior use of the grievance process stripped OEA of jurisdiction to consider Employee’s appeal. As a result, it remanded the matter to OEA for further consideration.

After conducting a status conference, the AJ issued a Post-Conference Order on May 15, 2023. He requested that the parties submit briefs on whether the grievance, and subsequent settlement, filed by the WTU precluded Employee from prosecuting her petition for appeal before OEA. Additionally, he asked the parties to brief whether Employee’s attempt (intentional or unintentional) at “splitting” her cause of action prevented OEA from exercising jurisdiction over the matter.

Agency filed its brief and argued that the grievance filed by the WTU was a class action litigation that included Employee. It explained that Employee filed her appeal with OEA after the WTU grievance was filed. According to Agency, D.C. Code § 1-616.52(f) provides that an employee shall be deemed to have exercised their option pursuant to subsection (e) to raise a matter either under the applicable statutory procedures or under the negotiated grievance procedure, whichever event occurs first. Thus, it posited that since Employee’s WTU grievance was filed before the OEA appeal was filed, the resolution from the grievance would take precedence. Additionally, Agency noted that Employee’s attempt to remove herself from the grievance matter was in 2018, eight years after the initial filing of the grievance in 2010. While Agency noted that Employee’s assertion was that she was not made aware of the WTU grievance filed on her behalf, it argued that the grievance process was a legal proceeding in which the resolution should be acknowledged and upheld. Thus, it opined that Employee should be barred from seeking additional redress before OEA.

In her brief, Employee asserted that she did not consent to joining the WTU’s grievance process. Consequently, she argued that she is not bound by the terms of the WTU settlement agreement. Moreover, Employee claimed that she did not accept a settlement, nor did she receive funds from the settlement between her union and Agency. Additionally, she contended that OEA did not lack jurisdiction to adjudicate the instant matter and that pursuant to D.C. Code § 1-612.52(e)(f), she was not prohibited from filing an appeal before OEA.

Agency filed a sur-reply to Employee’s Post-Status Conference brief. It made many of the same assertions in its previous brief and maintained that since Employee was a member of the union, she gave tacit consent for WTU to act on her behalf in litigious matters. Agency contended that after the grievance was filed, Employee’s appeal was impermissible because her union filed a grievance on her behalf first.

On May 9, 2024, the AJ issued an Initial Decision on Remand. He held that OEA lacked jurisdiction and thus, did not have authority to address the merits of Agency’s removal action. The AJ explained that D.C. Code § 1-616.52 (f) provides that whichever avenue of redress is first chosen, is the sole venue through which an employee may pursue redress. He determined that Employee’s decision, through her union, to first grieve this cause of action through the CBA prevented her from filing with OEA. Additionally, he noted that Employee’s grievance withdrawal came seven years after it was first filed. The AJ opined that Employee could not have a second attempt to appeal. Consequently, he ordered that the matter be dismissed for lack of jurisdiction.

Employee disagreed with the Initial Decision and filed a Petition for Review with the OEA Board on June 7, 2024. She reiterates several arguments made throughout the appeal. Employee asserts that OEA has jurisdiction and provides that her only course of action is the appeal before OEA. She emphasizes that she did not consent to join the WTU’s grievance and has not accepted any settlement or received funds from Agency related to any settlement. Therefore, she requests that the Initial Decision on Remand be vacated and that the matter be remanded to the AJ for further consideration.

* + 1. **Employee v.** **D.C. Fire & Emergency Medical Services Department, OEA Matter No. 1601-0050-23 –** Employee worked as a Firefighter/Emergency Medical Technician (“FF/EMT”) with the Department of Fire and Emergency Medical Services (“Agency”). On December 30, 2020, Employee was arrested by the Prince George’s County Police Department for possession of a stolen handgun, possession of a loaded handgun on his person, and possession of a loaded handgun in a vehicle, hereinafter (“Case No. U-21-087”). On March 14, 2021, Employee was arrested again in Prince George’s county for second degree assault, acting in a disorderly manner, resisting arrest, and obstructing and hindering a police officer, hereinafter (“Case No. U-21-154”). As a result of Case No. U-21-087, Agency charged Employee with any on-duty or employment-related act or omission that the employee knew or should reasonably have known is a violation of the law; any act which constitutes a criminal offense whether or not the act results in a conviction; and any on-duty or employment-related act or omission that interferes with the efficiency or integrity of government operations to include: neglect of duty.”

As a result of Case No. U-21-154, Employee was similarly charged with any on-duty or employment-related act or omission that the employee knew or should reasonably have known is a violation of the law; any act which constitutes a criminal offense whether or not the act results in a conviction; and any on-duty or employment-related act or omission that interferes with the efficiency or integrity of government operations to include: neglect of duty.” On December 1, 2022, Agency held a Trial Board hearing wherein Employee pleaded not guilty to the charges for both Case Nos. U-21-087 and U-21-154. The Trial Board determined that Employee was guilty in each matter and recommended termination. The Fire Chief subsequently adopted the Trial Board’s recommendation, and Employee’s termination became effective on June 24, 2023.

The AJ issued an Initial Decision on March 15, 2024. First, the AJ concluded that the Trial Board established cause to discipline Employee in Case No. U-21-087 because Employee pleaded guilty to the charge of “loaded handgun on person.” She also held that cause existed to discipline Employee in Case No. U-21-154 because Agency proved that Employee: assaulted a police officer; disrupted the peace, government, and dignity of the state; willfully acted in a disorderly manner; intentionally resisted arrest; and intentionally annoyed, obstructed, and hindered a police officer in the performance of their lawful duties.

In examining harmful procedural error, the AJ ruled that Agency utilized the incorrect version of the DPM in its charging documents. She explained that under both Case Nos. U-21-087, Charge No. 1, Specification No. 1, and Case No. U-21-154, Charge No. 1, Specification No. 1, Employee was charged with: (1) any on-duty or employment-related act or omission that the employee knew or should reasonably have known is a violation of the law; (2) any act which constitutes a criminal offense whether or not the act results in a conviction; and (3) neglect of duty, pursuant to Agency’s Order Book and the 2012 DPM. However, she assessed that the applicable regulations at the time of Employee’s termination were found in the 2019 DPM based on her reading of the language contained in Article 31, Section A of the Collective Bargaining Agreement (“CBA”) between Employee’s union and Agency, as well as Article VII of Agency’s Order Book. The AJ went on to discuss how all three charges imposed against Employee did not exist in the 2019 iteration of the regulations; thus, she was unable to ascertain which charges should have been levied against Employee had Agency utilized the correct DPM. She, therefore, reasoned that Agency’s failure to provide Employee with the specific charges underlying the proposed termination deprived him of a fair opportunity to defend against his removal. As such, she held that Agency’s failure to follow the appropriate laws, rules, and regulations amounted to a harmful procedural error.

Next, while there was substantial evidence in the record to support the Trial Board’s finding that Employee committed the misconduct as alleged, the AJ opined that his actions on March 14, 2021, and December 30, 2021, were not related to his employment with Agency as a Firefighter/EMT and did not occur while Employee was on duty. Therefore, she held that Agency could not charge Employee with any on-duty or employment-related act or omission that the employee knew or should reasonably have known is a violation of the law. Based on the same rationale, the AJ found that Agency was precluded from charging Employee with neglect of duty since DPM §§ 1605.4(e)(2019) defined this cause of action as “[c]areless or negligent work, general negligence, loafing, sleeping or dozing on-duty, wasting time, and conducting personal business while *on duty*.”(emphasis added).

With respect to the charge of any act which constitutes a criminal offense, whether or not the act results in a conviction, the AJ provided that because this cause of action did not exist in the 2019 regulations, she was unable to adjudicate this issue. Additionally, the AJ could identify no basis for deciding Employee’s discrimination claims, noting that OEA lacked jurisdiction over his arguments. Based on the foregoing, she ruled that the charges were not supported by the record. Therefore, the AJ reversed Agency’s termination action and ordered that Employee be reinstated with backpay and benefits.

Agency disagreed with the Initial Decision and filed a Petition for Review with the OEA Board on April 18, 2024. It argues that the AJ erred in finding that the incorrect iteration of the DPM was used in the charging documents. First, Agency posits that by not challenging the use of the 2012 DPM before the Trial Board, Employee waived the issue before OEA. It notes that Employee was represented before the Trial Board and submits that both parties have a common understanding that relying on the Order Book and the 2012 DPM was lawful. Further, Agency contends that any reference to the 2012 DPM was the result of bargaining with Employee’s union, International Fire Fighters Local 36, AFL-CIO MWC (“Local 36”). It reasons that Local 36, by agreement, established disciplinary procedures that differed significantly from the default procedures established by regulation. Agency maintains that the AJ overstepped her authority in determining that Agency erred in using the 2012 DPM because the Public Employee Relations Board (“PERB”), and not OEA, has the principal obligation to oversee labor-management relations between the District and its workforce. It, therefore, opines that OEA cannot unilaterally impose a disciplinary scheme that would conflict with PERB case law requiring management to bargain as to any changes that modify a practice or bargaining agreement.

Agency also argues that the AJ misconstrued and ignored past Superior Court decisions in finding that the use of the 2012 DPM was erroneous. It reiterates that even if its reliance on the 2012 regulations was an error, it was harmless. Agency further disagrees with the AJ’s finding that Employee could not be charged with neglect of duty or any on-duty or employment-related act or omission that interferes with the efficiency or integrity of government operations because they were not related to his employment and because the conduct was committed while off duty. It asserts that the AJ’s conclusions were contrary to both Article VII’s definition of “employment-related,” as well as OEA Board precedent. Additionally, it is Agency’s position that it was in conformance with the 2019 DPM concerning the charge of any act which constitutes a criminal offense, whether or not the act results in a conviction, even if the Board finds that Agency was not permitted to rely on the 2012 DPM. Agency is firm in its position that Employee was able to adequately defend against the charges levied against him. Therefore, it requests that his termination be upheld.

* + 1. **Employee v.** **D.C. Fire & Emergency Medical Services Department, OEA Matter No. 1601-0027-24** – Employee worked as a Firefighter/EMT with the D.C. Fire & Emergency Medical Services Department (“Agency”). On June 24, 2023, Agency issued a Notice of Proposed Adverse Action, charging Employee with Conduct Unbecoming an Employee (Neglect of Duty) and Insubordination. The charges stemmed from a February 15, 2023, incident wherein Employee refused to assist with cleaning trash in a parking lot/fence line after being directed to do so. Employee pleaded not guilty to each charge and an administrative hearing was held on January 3, 2024. The Trial Board ultimately sustained the charges against Employee, who then filed an appeal with the Fire Chief. On January 8, 2024, the Chief adopted the Trial Board’s findings and sustained the charges levied against Employee. The effective date of his termination was January 13, 2024.

An Initial Decision was issued on July 10, 2024. First, the AJ explained that the holding in *Pinkard v. D.C. Metropolitan Police Depart*ment, 801 A.2d 86 (D.C. 2002), limited OEA’s review to determining whether the Trial Board’s decision was supported by substantial evidence; whether Agency’s action was taken in accordance with all applicable laws and regulations; and whether there was harmful procedural error. Concerning the substantial evidence requirement, the AJ determined that it was undisputed that Captain Himes was Employee’s superior, and Employee refused to clean up the grounds after being instructed to do so by Captain Himes. She went on to highlight Himes’ testimony that his original request to the members of the Department to clean up the trash was not an order. However, Himes provided that because Employee and his coworkers did not comply with the request, he told them that they were being issued a direct order to clean up the trash. Consequently, the AJ ruled that the termination action was taken for cause because Employee neglected his duties as an FF/EMT by failing to clean the trash site as instructed.

As it related to the harmful procedural error argument, the AJ explained that the 2019 DPM, not the 2012 DPM, was the applicable iteration of the regulations that should have been utilized in Agency’s charging documents. She noted that a charge of neglect of duty – and its corresponding penalty – were reflected in both the older and updated versions of the regulations, hence, any error committed by Agency was harmless. However, she went on to discuss that unlike neglect of duty, a charge of insubordination existed in the 2012 version of the DPM but not the 2019 DPM. The AJ opined that it would be improper to speculate what the appropriate penalty would have been had Agency used the appropriate version of the DPM. Because a charge of insubordination did not exist in the 2019 regulations, and there was no corresponding penalty, the AJ concluded that Agency committed a harmful procedural error. Thus, she held that Agency could only rely upon the neglect of duty charge as a basis for disciplining Employee.

Additionally, the AJ cited the holding in *Stokes v. District of Columbia*, 502 A.2d 1006 (D.C. 1985), which held that in assessing whether the imposed penalty was appropriate, OEA must determine whether the penalty was within the range allowed by law, regulation, and any applicable Table of Illustrative Actions (“TIA”); whether the penalty is based on a consideration of the relevant factors; and whether there was a clear error of judgment by Agency. She opined that termination was permissible in this case because a first offense of neglect of duty carried a penalty of counseling to removal under both the 2012 and 2019 DPM. Moreover, the AJ found that Agency weighed each relevant *Douglas* factor and did not abuse its managerial discretion in selecting the penalty.

Finally, the AJ concluded that Employee established a prima facie case of disparate treatment. She agreed that Employee and his coworkers worked in the same organizational unit -- the Logistics division; were disciplined on the same day; for the same cause of action; and by the same supervisor. However, she made the distinction that Employee received a different penalty than the other employees because of his lengthy disciplinary history, highlighting that he was charged with a total of seven disciplinary infractions during the three years preceding his proposed termination. As a result, the AJ reasoned that Agency successfully rebutted Employee’s prima facie showing of disparate treatment. As such, she held that Employee’s termination was proper.

Employee filed a Petition for Review with the OEA Board on August 13, 2024. He contends that the Initial Decision is not based on substantial evidence; the AJ did not address all issues of law and fact; and Agency failed to properly consider the *Douglas* factors. He also reasserts the many of the same arguments raised in his May 24, 2024, brief. Employee opines that his past disciplinary actions did not warrant termination because they were not related to insubordination or neglect of duty. He believes that Captain Himes committed perjury during the Trial Board Hearing. Employee further submits that his misconduct did not disrupt Agency’s operations. Finally, he reiterates that Agency utilized the incorrect regulations in its charging documents. Employee, therefore, renews his request to reverse the termination action.

Agency filed its answer on September 19, 2024. It contends that the Initial Decision is based on substantial evidence. Agency disagrees with Employee’s assessment of Captain Himes’ Trial Board testimony, remarking that the AJ correctly held that witness testimony is largely within the province of the trier of fact. It echoes its position that Employee and his coworkers refused to clean up the parking lot after being instructed to do so by a superior; Employee acknowledged that he delayed picking up the trash; and an employee’s admission is sufficient to meet an agency’s burden of proof. Additionally, Agency posits that its Order Book does not limit a charge of conduct unbecoming to actions that directly prevent an agency task from being accomplished. Alternatively, it suggests that even if it was required to show an interruption in operations, substantial evidence exists to prove that Agency’s operations were adversely affected. Agency argues that the AJ addressed all issues of law raised on appeal and reasons that Employee’s previous disciplinary history, in addition to other *Douglas* factors, weighed in favor of termination. Agency also maintains its position that no harmful procedural error was committed. Thus, it requests that the Board deny Employee’s petition.

* 1. **Deliberations** – This portion of the meeting will be closed to the public for deliberations in

accordance with D.C. Code § 2-575(b)(13).

* 1. **Open Portion Resumes**
	2. **Final Votes on Cases**
	3. **Public Comments**
1. **Adjournment**