

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

THEODORE E. POWELL,

Plaintiff,

v.

AMERICAN FEDERATION OF  
TEACHERS, *et al.*,

Defendants.

Civil Action No.

**12 1384**

**MEMORANDUM OPINION**

The plaintiff has filed an application to proceed *in forma pauperis* and a *pro se* complaint. The application will be granted, and the complaint will be dismissed.

Plaintiff brings a variety of unfair labor practice claims against the District of Columbia, the Washington Teacher's Union and others, following termination "from his teaching position for willful misconduct." Compl. ¶ 3. It appears that plaintiff, pursuant to the District of Columbia's Comprehensive Merit Personnel Act ("CMPA"), *see* D.C. Code §§ 1-601.01 *et seq.*, has pursued these claims administratively as far as an appeal to the Public Employee Relations Board ("PERB"). *See* Compl., Attach. (Decision and Order, PERB Case No. 11-U-26, dated March 28, 2012).

"With few exceptions, the CMPA is the exclusive remedy for a District of Columbia public employee who has a work-related complaint of any kind." *Robinson v. District of Columbia*, 748 A.2d 409, 411 (D.C. 2000) (citing *Stockard v. Moss*, 706 A.2d 561, 564 (D.C. 1997)); *McManus v. District of Columbia*, 530 F. Supp. 2d 46, 77 (D.D.C. 2007) ("The District of Columbia Court of Appeals has consistently held that the CMPA provides the exclusive

avenue for aggrieved District employees to pursue work-related complaints.”). The scheme established by the CMPA provides that “[a]ny person aggrieved by a final order of the [PERB] . . . may obtain review of such order in the Superior Court of the District of Columbia.” D.C. Code § 1-617.13(c). To the extent that plaintiff pursues work-related complaints, or seeks review of the PERB’s decision, this Court is not the proper forum for adjudication of such claims.

Accordingly, the Court will dismiss the complaint. An Order consistent with this Memorandum Opinion is issued separately.

DATE: 8/10/12

  
United States District Judge