

DISTRICT OF COLUMBIA COURT OF APPEALS

Baker v. District of Columbia

785 A.2d 696 (D.C. 2001) · No. 99-CV-1504 · Decided November 29, 2001

SUMMARY

The District of Columbia Court of Appeals held that an employee's defamation and intentional infliction of emotional distress claims arising from a work-related accusation were subject to the Comprehensive Merit Personnel Act. The court affirmed dismissal because the CMPA provided the exclusive remedy and Baker had not exhausted the applicable administrative procedures.

CASE DETAILS

|                       |                                                                                                                                               |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | District of Columbia Court of Appeals                                                                                                         |
| WRITING FOR THE COURT | Wagner, Chief Judge; Schwelb, Associate Judge; Newman, Senior Judge                                                                           |
| JURISDICTION          | District of Columbia                                                                                                                          |
| DECIDED               | November 29, 2001                                                                                                                             |
| DOCKET                | 99-CV-1504                                                                                                                                    |
| DISPOSITION           | affirmed                                                                                                                                      |
| PROCEDURAL POSTURE    | Baker appealed the Superior Court's dismissal of her complaint for mental distress, slander, and defamation against the District of Columbia. |
| STANDARD OF REVIEW    | De novo review of the Superior Court's dismissal for lack of jurisdiction and failure to exhaust administrative remedies.                     |
| PRECEDENTIAL VALUE    | published                                                                                                                                     |
| PARTIES               | Tanya L. Baker v. District of Columbia                                                                                                        |

TOPICS

- defamation
- intentional infliction of emotional distress
- administrative law
- employment law
- appellate procedure

PRACTICE AREAS

- employment law
- administrative law
- defamation
- appellate procedure

## QUESTIONS PRESENTED

1. Whether Baker's defamation and related tort claims arising from a work-related accusation were subject to the Comprehensive Merit Personnel Act.
2. Whether the CMPA applied even though Baker had not herself been involved in a formal grievance proceeding.
3. Whether the Superior Court properly dismissed the complaint for failure to exhaust CMPA administrative remedies.

## HOLDINGS

1. The CMPA is the exclusive remedy for Baker's work-related defamation and intentional-infliction-of-emotional-distress claims because the alleged misconduct report concerned a matter under the control of the District government that adversely affected an employee's interests.
2. The CMPA applies even if Baker herself was not involved in a formal grievance proceeding; an employer's report of alleged employee misconduct may fall within the CMPA before a formal grievance is filed.
3. The presence of sexual-harassment or discrimination facts in the background of Baker's defamation claim did not trigger the exception to CMPA exclusivity.

## KEY QUOTATIONS

*“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.” (697)*

*“We are not persuaded that the broad definition of grievance in the statute can be read to require that Baker herself be involved in a formal grievance proceeding in order for her defamation complaint to fall under the CMPA.” (698)*

## FACTUAL BACKGROUND

Tanya L. Baker, an employee of the District of Columbia Department of Corrections, alleged that Ronald McClain circulated a memorandum accusing her of having an extramarital affair with John H. Thomas, an agency executive, and asserting that the relationship created an offensive work environment. Baker claimed the accusation was false and sued for mental distress, slander, and defamation. The memorandum was submitted as an emergency sexual-harassment complaint under a Department of Corrections order and stated that employees found guilty of intentionally filing false sexual-harassment charges would be disciplined.

## PROCEDURAL HISTORY

Baker, a District of Columbia Department of Corrections employee, sued the District in Superior Court based on a memorandum alleging that she had engaged in an extramarital affair with a department executive. The District moved to dismiss, arguing that the claim involved a personnel matter governed exclusively by the Comprehensive Merit Personnel Act and that Baker had failed to exhaust her administrative remedies. The Superior Court granted the motion to dismiss, and the Court of Appeals affirmed.

## DISPOSITION

affirmed

## CASES CITED

- Robinson v. District of Columbia, 748 A.2d 409 (D.C. 2000)
- Stockard v. Moss, 706 A.2d 561 (D.C. 1997)
- District of Columbia v. Thompson, 593 A.2d 621 (D.C. 1991)
- King v. Kidd, 640 A.2d 656 (D.C. 1993)
- Farmer v. Farmer, 526 A.2d 1365, 1369 (D.C. 1987)

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