

**THE DISTRICT OF COLUMBIA**

**BEFORE**

**THE OFFICE OF EMPLOYEE APPEALS**

\_\_\_\_\_  
In the Matter of: )  
)  
Abraham Evans ) OEA Matter No. 1601-0081-13R16  
Employee )  
) Date of Issuance: December 20, 2016  
v. )  
) Joseph E. Lim, Esq.  
Metropolitan Police Department ) Senior Administrative Judge  
Agency )  
\_\_\_\_\_  
Donna Rucker, Esq., Employee Representative  
Sonia Weil, Esq., Agency Representative

**INITIAL DECISION**

**PROCEDURAL BACKGROUND**

On April 24, 2013, Abraham Evans (“Employee”), a Police Officer with the Metropolitan Police Department (the “Agency” or “MPD”) filed a Petition for Appeal with the Office of Employee Appeals (the “Office” or “OEA”) pursuant to *D.C. Official Code* § 1-606.03(a) (2001), appealing Agency’s action terminating his employment for “Failure to Obey Orders and Directives and Untruthful Statements.” The charges that generated Employee’s adverse action was a finding as a result of an evidentiary hearing conducted on January 17, 2013, by the Adverse Action Hearing Panel (the “Panel”).

On April 6, 2015, I issued an Initial Decision (“ID”) which reversed Agency’s termination action on the ground that Agency had violated the mandatory 90-day deadline dictated by D.C. Code § 5-1031 for Agency to initiate its adverse action against Employee within 90 days after it knew or should have known of Employee’s act or occurrence allegedly constituting cause for his termination. Agency appealed on May 11, 2015.

On September 13, 2016, the OEA Board remanded the matter back to the undersigned to review the issue of whether there was substantial evidence that Agency violated the 90-day rule.<sup>1</sup> I held a Status Conference on November 18, 2016.

On December 9, 2016, Employee submitted a letter indicating that she had appealed the matter to the District of Columbia Superior Court (“D.C. Superior Court”). A review of the D.C. Superior Court documents indicated that this matter was designated as their Case Number 2016 CA 007680 P(MPA) and filed on October 19, 2016. The record is closed.

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<sup>1</sup> *Evans v. MPD*, OEA Matter No. 1601-0081-13, *Opinion and Order on Petition for Review* (September 13, 2016).

JURISDICTION

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

ISSUE

Whether this matter should be dismissed as moot.

FINDINGS OF FACT, ANALYSIS AND CONCLUSIONS

Based on the parties' representations and the official record of D.C. Superior Court, it is undisputed that this matter has been appealed to the D.C. Superior Court. There is no requirement that this Office adjudicate a matter which is moot. *See Culver v. D.C. Fire Department*, OEA Matter No. 1601-0121-90, *Opinion and Order on Petition for Review* (January 16, 1991).

I conclude that Employee's appeal is now moot and must therefore be dismissed.

ORDER

It is hereby ORDERED that this matter is DISMISSED.

FOR THE OFFICE:

JOSEPH E. LIM, ESQ.  
Senior Administrative Judge