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THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:)	
)	OEA Matter No.: 1601-0020-20AF21
██████████)	
Employee)	
)	Date of Issuance: August 2, 2021
v.)	
)	ARIEN P. CANNON, ESQ.
D.C. DEPARTMENT OF RENTAL HOUSING)	Administrative Judge
Agency)	
)	

David A. Branch, Esq., Employee Representative
Ryan Martini, Esq., Agency Representative

ADDENDUM DECISION ON ATTORNEY FEES

An Initial Decision was issued in this matter on February 25, 2021, reversing Agency's action of suspending Employee for twenty (20) workdays. On April 30, 2021, Employee, by and through counsel, filed a Petition for Attorney Fees. D.C. Code § 1-606.08 provides that an employee shall be entitled to an award of reasonable attorney fees if: (1) he or she is a prevailing party; and (2) the award is warranted in the interest of justice. An employee is considered the "prevailing party," if he or she received "all or significant part of the relief sought" as a result of the decision.¹

Agency filed a Petition for Review of Agency Decision in the District of Columbia Superior Court on April 26, 2021, seeking to have the Initial Decision reversed.² Because this matter has been appealed and is still pending before the Superior Court of the District of Columbia, Employee is not yet deemed the prevailing party. Thus, I find that the Employee's Petition for Attorney Fees is premature. Employee may re-file her motion if she is ultimately found to be the prevailing party.

¹ See OEA Rule 634, 59 DCR 2129 (March 16, 2012); See also *Webster Rogers v. D.C. Public Schools*, OEA Matter No. 2401-0255-10AF15, Addendum Decision on Attorney Fees (November 3, 2015).

² *[Employee] v. District of Columbia Rental Housing Commission*, D.C. Super. Ct No. 2021 CA 001617 P(MPA).

ORDER

Based on the aforementioned, it is hereby **ORDERED** that Employee's Petition for Attorney Fees is **DISMISSED** without prejudice as premature.

FOR THE OFFICE:

Arien P. Cannon, Esq.
Administrative Judge