

THE DISTRICT OF COLUMBIA

BEFORE

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:)
)
Karen Loeschner) OEA Matter No. 1601-0415-10C13
Employee)
) Date of Issuance: January 14, 2014
v.)
) Joseph E. Lim, Esq.
D.C. Public Schools) Senior Administrative Judge
Agency)

Cynthia Goode Works, Esq., Employee Representative
Sara White, Esq., Agency Representative

ADDENDUM DECISION ON COMPLIANCE

PROCEDURAL BACKGROUND

On September 10, 2010, Employee, a former Literacy Coach, pay grade ET-15, at Agency (“D.C. Public Schools” or “DCPS”) McKinley Technology High School, filed a petition for appeal, challenging the termination of her employment due to excessing. On December 14, 2012, I issued an Initial Decision (“ID”) which found that Employee was in permanent status at the time of removal and was removed without cause. Thus I reversed Agency’s action and ordered it to reinstate Employee to her last position of record to be provided with the options available to excessed permanent employees; and to reimburse Employee all back-pay and benefits lost as a result of Agency’s action. The ID became final 35 calendar days later on January 18, 2013.

On February 12, 2013, Employee filed a motion for compliance, complaining that Agency had failed to abide by the ID. After ordering Agency to show cause for its non-compliance, I held a status conference on June 13, 2013, and November 25, 2013, as the parties went about implementing the ID. On December 20, 2013, I ordered the parties to brief the issue of whether Employee is entitled to prior sick leave despite accepting the buyout offer. On January 9, 2014, Employee submitted a signed statement indicating that she would no longer pursue the issue of sick leave benefits. The record is closed.

JURISDICTION

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

ISSUE

Whether the motion for compliance should be dismissed.

ANALYSIS AND CONCLUSIONS

Agency placed Employee back on the payroll to her last position of record effective June 13, 2013, and paid her back pay and benefits from the date of her termination to June 12, 2013. Employee also chose the buy-out option offered to excessed permanent employees on June 17, 2013. My review of the record indicates that Agency has fully complied with the ID, and thus, Employee's motion for compliance is dismissed.

ORDER

Based on the foregoing, it is hereby ORDERED Employee's motion for compliance is dismissed.

FOR THE OFFICE:

JOSEPH E. LIM, Esq.
Senior Administrative Judge