

Notice: This decision may be formally revised before it is published in the *District of Columbia Register* and the Office of Employee Appeals' website. Parties should promptly notify the Office Manager of any formal errors so that this Office can correct them before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:)	
)	
EMPLOYEE ¹ ,)	OEA Matter No. 1601-0006-20C22
)	
v.)	Date of Issuance: September 30, 2022
)	
D.C. ALCOHOLIC BEVERAGE)	MONICA DOHNJI, Esq.
REGULATION ADMINISTRATION,)	Senior Administrative Judge
Agency)	
)	
Charles Tucker, Esq., Employee Representative		
Connor Finch, Esq., Agency Representative		

ADDENDUM DECISION ON COMPLIANCE

INTRODUCTION AND PROCEDURAL HISTORY

On November 14, 2019, Employee filed a Petition for Appeal with the D.C. Office of Employee Appeals (“OEA” or “Office”) contesting the D.C. Alcoholic Beverage Regulation Administration’s (“ABRA” or “Agency”) decision to terminate her from her position as a Licensing Specialist effective October 25, 2019. Employee was terminated for failure to meet established performance standards pursuant to District Personnel Manual (“DPM”) § 1605.4(m). Agency filed its Answer to Employee’s Petition for Appeal on December 13, 2019.

On March 11, 2021, I issued an Initial Decision (“ID”), reversing Agency’s decision to terminate Employee. Agency appealed the ID to the OEA Board. On August 26, 2021, the OEA Board issued an Opinion and Order on Petition for Review (“O&O”) denying Agency’s Petition for Review. The O&O directed Agency to “reimburse Employee for all back pay and benefits

¹ Employee’s name was removed from this decision for the purposes of publication on the Office of Employee Appeals’ website.

lost as a result of the termination action for the period of October 15, 2019 to February 6, 2020.”²

Thereafter, on May 17, 2022, Employee filed a Motion for Contempt and Sanctions. On May 23, 2022, the undersigned issued an Order scheduling a Status Conference for June 16, 2022. Agency filed a response to Employee’s Motion for Contempt and Sanctions on June 2, 2022. Both parties were present for the Status Conference. Following the Status Conference, the parties were required to periodically update the undersigned on the status of this matter. On September 20, 2022, Agency notified this Office that Employee’s backpay and benefits check was processed and mailed to her. Subsequently, on September 29, 2022, Employee’s representative emailed the undersigned and opposing counsel, noting that “I am happy to report that my client [Employee] finally received her backpay check according to your order early yesterday morning...”³ I accept Employee’s email withdrawal as officially filed for the record. The record is now closed.

JURISDICTION

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

ISSUE

Whether Employee’s request for Compliance should be dismissed.

ANALYSIS AND CONCLUSIONS OF LAW

Employee’s representative noted in his September 29, 2022, email that “I am happy to report that my client [Employee] finally received her backpay check according to your order early yesterday morning...”⁴ Since Agency has complied with this Office’s decision, and Employee has confirmed Agency’s compliance, I find that Employee's Request for Compliance should be dismissed.

ORDER

It is hereby ORDERED that the Request for Compliance in this matter is DISMISSED.

² *Employee v. D.C. Alcoholic Beverage Regulation Administration*, OEA Matter No. 1601-0006-20, Opinion and Order on Petition for Review (August 26, 2021).

³ See September 29, 2022, email from Employee’s representative. The undersigned responded to Employee’s representative’s email requiring him to provide an official Voluntary Withdrawal Notice, so the matter can be dismissed. As of the date of this decision, Employee’s representative has not responded to the undersigned’s email.

⁴ *Id.*

FOR THE OFFICE:

/s/ *Monica N. Dohnji*

MONICA DOHNJI, Esq.

Senior Administrative Judge