THE DISTRICT OF COLUMBIA

BEFORE

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:	)	
	)	
EMPLOYEE,[1]	)	OEA Matter No. 1601-0008-24AF25
	)	
v.	)	Date of Issuance: January 13, 2026
	)	
D.C. OFFICE OF CONTRACTING AND PROCUREMENT,	)	MONICA DOHNJI, Esq.
Agency	)	Senior Administrative Judge
	)	

Sandra Maddox, Esq., Employee Representative
Timothy McGarry, Esq., Agency Representative

ADDENDUM DECISION ON ATTORNEY FEES

INTRODUCTION AND PROCEDURAL HISTORY

On November 9, 2023, Employee filed a Petition for Appeal with the D.C. Office of Employee Appeals ("OEA" or "Office") contesting the D.C. Office of Contracting and Procurement's ("OCP" or "Agency") decision to summarily remove Employee from her position as a Contract Specialist, effective October 10, 2023. Employee was terminated for False Statements/Record: Deliberate falsification of a material item on an application for employment or other personal history record by omission or by making a false entry.[2] Following an Evidentiary Hearing, the undersigned issued an Initial Decision ("ID") on September 18, 2024, reversing Agency's decision to terminate Employee. Agency did not appeal the September 18, 2024, ID, accordingly, the September 18, 2024, ID became the final decision in this matter.

On December 2, 2024, Employee's representative filed Employee's Verified Petition for Attorneys' Fees and Costs.[3] Employee's attorney noted that Employee was the prevailing party and attorneys' fees were warranted in the interest of justice. On December 17, 2024, Agency filed its Opposition to Motion for Attorney's Fees.[4] On December 19, 2024, Employee's representative filed a Motion for Leave to File Response to Agency's Opposition to Motion for Attorney's Fees

[1] Employee's name was removed from this decision for the purposes of publication on the Office of Employee Appeals' website.
[2] This cause of action is found in 6-B DCMR §1605.4(b)(1).
[3] *See.* Employee's Verified Petition for Attorneys' Fees and Costs (December 2, 2024).
[4] *See.* Agency's Opposition to Motion for Attorney's Fees (December 17, 2024).

by December 27, 2024.[5] On January 3, 2025, Employee's representative filed a Notice Withdrawal of Employee's Motion for Leave to File a Reply to Agency's Opposition to Motion for Attorney's Fees And Filing of Employee's Motion for Extension of Time to File Employee's Verified Petition for Attorneys' Fees and Costs, *Nunc Pro Tunc*.[6] On February 19, 2025, I issued an Order placing the Attorney's Fees matter in abeyance, pending the resolution of the related compliance matter. On May 30, 2025, Employee's representative filed a Notice of Final Billing. On September 4, 2025, the undersigned issued an Order scheduling a Status Conference for September 25, 2025. Both parties were present at the Status Conference. Employee's representative noted during the Status Conference that the May 30, 2025, Notice of Final Billing represented the final invoice in this matter. The record is now closed.

JURISDICTION

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

ISSUES

1) Whether Employee is a prevailing party for the purpose of determining whether the award of attorney fees is warranted; and

2) Whether the payment of attorney fees is warranted, and if so, what amount should be awarded.

FINDINGS OF FACT, ANALYSIS AND CONCLUSIONS OF LAW[7]

D.C. Official Code §1-606.08 provides that an agency may be directed to pay reasonable attorney fees if the employee is the prevailing party and payment is "warranted in the interest of justice."[8] The goal, in awarding attorney fees, is to attract competent counsel to represent individuals in civil rights and other public interest cases, where it might be otherwise difficult to retain counsel.[9]

Timeliness

Agency contends that Employee's Petition for Attorney's fees is untimely as it was filed five (5) days after the deadline provided in OEA Rule 639.2. Agency asserts that the untimeliness

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[5] Due to personal extenuating circumstances requiring the undersigned's absence, on December 20, 2024, AJ Harris issued a Notice Regarding Temporary Abeyance of Proceedings to the parties until my return.

[6] *See*. Notice Withdrawal of Employee's Motion for Leave to File a Reply to Agency's Opposition to Motion for Attorney's Fees and Filing of Employee's Motion for Extension of Time to File Employee's Verified Petition for Attorneys' Fees and Costs, *Nunc Pro Tunc*

[7] Although I may not discuss every aspect of the evidence in the analysis of this case, I have carefully considered the entire record. *See Antelope Coal Co./Rio Tino Energy America v. Goodin*, 743 F.3d 1331, 1350 (10th Cir. 2014) (citing *Clifton v. Chater*, 79 F.3d 1007, 1009-10 (10th Cir. 1996)) ("The record must demonstrate that the ALJ considered all of the evidence, but an ALJ is not required to discuss every piece of evidence").

[8] *See also* OEA Rule 639.1, 59 DCR 2129 (March 16, 2012)**.**

[9] *Newman v. Piggie Park Enterprises, Inc.,* 390 U.S. 400 (1968).

and the injustice that will occur should prevent Employee from recovering any attorney's fees. Employee's representative argues that its filing of the Petition for Attorney's Fees after the deadline was not done in total disregard of the rules. Employee's representative explains that she was actively monitoring all timelines as evidenced by emails sent to Agency's representative on September 20, 2024, and November 22, 2024. However, she mistakenly calendared the due date of the Petition for Attorney's Fees by counting 35 days and not 30 days. Employee's representative further notes that Agency has failed to show how it was harmed, disadvantaged or delayed by the Petition for Attorney's Fees being filed only five (5) days after the deadline.

The OEA Board has historically relied on *Murphy v. A.A. Beiro Construction Co. et al.*, 679 A.2d 1039, 1044 (D.C. 1996), where the District of Columbia Court of Appeals held that "decisions on the merits of a case are preferred whenever possible..."[10] Additionally, the D.C. Court of Appeals in *Yolanda Sium v. Office of State Superintendent of Education*, 218 A.3d 228 (D.C. 2019), held that the presumption regarding filing deadlines is that they are not jurisdictional but waivable claims-processing rules. In support of this position, the Court relied heavily on the ruling in *Mathis v. D.C. Housing Authority* 124 A.3d 1089 (D.C. 2015) that filing deadlines in particular are quintessential claim-processing rules, which seek only to promote the orderly progress of litigation, and generally do not have jurisdictional force. (citing *Wong,* 135 S. Ct. at 1632 (quoting *Henderson, 562 U.S.* at 435, 131 S. Ct. 1197). In *Sium*, the Court reasoned that even procedural rules codified in statutes are non-jurisdictional in character. It found that if a deadline is contained in a statute **and** its language is mandatory, it *may* be jurisdictional (emphasis added). The Court held that D.C. Code § 1-606.03(a), which provides that any appeal shall be filed within 30 days of the effective date of the appealed action, meets both requirements. However, it opined that more is required.

Relying on *Mathis*, the D.C. Court of Appeals held that for a filing deadline to be deemed a jurisdictional bar, the traditional tools of statutory construction must also make clear that the legislature intended it to serve this purpose. The D.C. Court of Appeals saw no indication that the D.C. City Council affirmatively sought to curtail OEA's jurisdiction; therefore, it ruled that the 30-day deadline to file appeals at OEA is not jurisdictional. As a result, OEA cannot dismiss a late-filed appeal outright. However, OEA can dismiss the appeal if the Agency seasonably objects to the untimeliness of Employee's filing as a defense, as held in *Brewer v. D.C. Office of Employee Appeals*, 163 A.3d 799 (D.C. 2017).

In *Brewer*, the D.C. Court of Appeals held that as a claims-processing rule, a 30-day deadline is subject to equitable tolling. However, in accordance with the *Mathis* holding, claims-processing rules may be tolled (or relaxed or waived) if equity compels such a result (*See Neill v.*

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[10] *Employee v. Department of Youth Rehabilitation Services*, OEA Matter No. 1601-0017-23 (July 13, 2023); *Employee v. D.C. Department of Forensic Sciences*, OEA Matter No. 1601-0015-21, *Opinion and Order on Petition for Review* (June 17, 2021); *Carl Mecca v. Office of the Chief Technology Officer*, OEA Matter No. 2401-0094-17, *Opinion and Order on Petition for Review* (September 4, 2018); *Khaled Falah v. Office of the Chief Technology Officer*, OEA Matter No. 2401-0093-17, *Opinion and Order on Petition for Review* (September 4, 2018); *Carmen Faulkner v. D.C. Public Schools,* OEA Matter No. 1601-0135-15R16, *Opinion and Order on Petition for Review* (March 29, 2016); *Cynthia Miller-Carrette v. D.C. Public Schools,* OEA Matter No. 1601-0173-11, *Opinion and Order on Petition for Review* (October 29, 2013); *Jerelyn Jones v. D.C. Public Schools,* OEA Matter No. 2401-0053-10, *Opinion and Order on Petition for Review* (April 30, 2013); and *Diane Gustus v. Office of Chief Financial Officer,* OEA Matter No. 1601-0025-08, *Opinion and Order on Petition for Review* (December 21, 2009).

District of Columbia Public Employee Relations Bd., 93 A.3d 229, 238 (D.C.2014), (explaining that claim-processing rules "may be relaxed or waived"). The Court in *Brewer* reasoned that equitable tolling turns on balancing the fairness to both parties and that equity aids the vigilant. Therefore, where a timing rule should be tolled turns on (1) whether there was unexplained or undue delay and (2) whether tolling would work an injustice to the other party (*See Simpson v. District of Columbia Office of Human Rights,* 597 A.2d 392 (D.C.1991) and *Mathis v. D.C. Housing Authority* 124 A.3d 1089 (D.C. 2015)). Furthermore, the Court held that consideration of the importance of ultimate finality in legal proceedings can also be considered when making a determination on tolling a deadline. Here, based on the record, I find that Employee did not willfully or deliberately ignore the filing deadline and Agency was not prejudiced by a five (5) day delayed filing. Accordingly, I conclude that this Office retains jurisdiction over Employee's Petition for Attorney's Fees.

Prevailing Party

As noted above, D.C. Official Code §1-606.08 provides that an agency may be directed to pay reasonable attorney fees if the employee is the prevailing party. OEA has previously relied on its ruling in *Zervas v. D.C. Office of Personnel,* OEA Matter No. 1602-0138-88AF92 (May 13, 1993) and the Merit Systems Protection Board's ("MSPB")[11] holding in *Hodnick v. Federal Mediation and Conciliation Service,* 4 M.S.P.R. 371, 375 (1980) which held that, "for an employee to be a prevailing party, he must obtain all or a significant part of the relief sought…" However, the decision in *Hodnick* was overruled by the MSPB in *Ray v. Department of Human and Health Services*, 64 M.S.P.R. 100 (1994). In *Ray*, the MSPB adopted the U.S. Supreme Court's holding in *Farrar v. Hobby*, 506 U.S. 103 (1992) in determining the prevailing party in the context of the Civil Service Reform Act of 1978. Pursuant to *Ray*, "… to qualify as a prevailing party, a … plaintiff must obtain at least some relief on the merits of his claim. The plaintiff must obtain an enforceable judgement against the defendant from whom fees are sought … or comparable relief through a consent decree or settlement." In addition, the District of Columbia Court of Appeals in *Settlemire v. D.C. Office of Employee Appeals*, 898 A.2d 902 (D.C. 2006), noted that, "[g]enerally speaking the term 'prevailing party' is understood to mean a party 'who had been awarded some relief by the court' (or other tribunal) …"[12]

In the instant matter, Agency did not appeal the September 18, 2024, ID, as such, the undersigned's ID reversing Agency's decision to remove Employee became the binding decision of this Office and Employee was entitled to all the relief sought in her Petition for Appeal. Therefore, it is undisputed that Employee is the "prevailing party" here.

Interest of Justice

Pursuant to D.C. Official Code §1-606.08 and OEA Rule 639, the award of attorney fees is discretionary and not mandatory in a successful OEA appeal. To be awarded attorney fees, the

[11] MSPB is this Office's federal counterpart.
[12] *See also. Texas State Teachers Association v. Garland Independent School District,* 489 U.S. 782, 109 S.Ct. 1486, 103 L.Ed.2d 866 (1989) (holding that the prevailing party need only "succeed on any issue in the litigation which achieves some of the benefit he sought in bringing the action."

party must be the prevailing party, and the degree of his success must also be sizeable enough to render the payment of attorney fees reasonable in the interest of justice.

In *Allen v. United States Postal Service*, 2 M.S.P.R. 420 (1980), the Merit System Protection Board (MSPB), this Office's federal counterpart, set out several circumstances to serve as directional markers toward the 'interest of justice' (the "Allen Factors")—a destination which, at best can only be approximate. *Id*. at 435. The circumstances to be considered are:

1. Whether the agency engaged in a "prohibited personnel practice",

2. Whether the agency's action was "clearly without merit" or was "wholly unfounded", or the employee is "substantially innocent" of the charges brought by the agency;

3. Whether the agency initiated the action against employee in "bad faith", including:

   a. Where the agency's action was brought to "harass" the employee;

   b. Where the agency's action was brought to "exert pressure on the employee to act in certain ways",

4. Whether the agency committed a "gross procedural error" which "prolonged the proceeding" or "severely prejudiced the employee",

5. Whether the agency "knew or should have known that it would not prevail on the merits", when it brought the proceeding, *Id*. at 434- 35.

The OEA Board has adopted these factors in its analysis of attorney fees.[13] In the current matter, Agency argues that Employee is not entitled to an award of attorney's fees in the interest of justice because there's no evidence in the record that it behaved maliciously in terminating Employee.[14] Agency also avers that none of these factors weigh in favor of an award for

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[13] *See. Phillippa Mezile v. D.C. Department on Disability Services*, Opinion and Order on Petition for Review, OEA Matter No. 2401-0158-09R12AF17 (March 20, 2018). *See also. Webster Rogers v. D.C. Public Schools,* Opinion and Order on Remand, OEA Matter No. 2401-0255-10AF16 (November 7, 2017).

[14] Agency contends that Employee's Petition for Attorney's fees is untimely as it was filed five (5) days after the deadline provided in OEA Rule 639.2. Agency asserts that the untimeliness and the injustice that will occur should prevent Employee from recovering any attorney's fees. Based on the record, Employee did not willfully or deliberately ignore the filing deadline. The OEA Board has historically relied on *Murphy v. A.A. Beiro Construction Co. et al.*, 679 A.2d 1039, 1044 (D.C. 1996), where the District of Columbia Court of Appeals held that "decisions on the merits of a case are preferred whenever possible..." *See also*. *Employee v. Department of Youth Rehabilitation Services*, OEA Matter No. 1601-0017-23 (July 13, 2023); *Employee v. D.C. Department of Forensic Sciences*, OEA Matter No. 1601-0015-21, *Opinion and Order on Petition for Review* (June 17, 2021); *Carl Mecca v. Office of the Chief Technology Officer*, OEA Matter No. 2401-0094-17, *Opinion and Order on Petition for Review* (September 4, 2018); *Khaled Falah v. Office of the Chief Technology Officer*, OEA Matter No. 2401-0093-17, *Opinion and Order on Petition for Review* (September 4, 2018); *Carmen Faulkner v. D.C. Public Schools,* OEA Matter No. 1601-0135-15R16, *Opinion and Order on Petition for Review* (March 29, 2016); *Cynthia Miller-Carrette v. D.C. Public Schools,* OEA Matter No. 1601-0173-11, *Opinion and Order on Petition for Review* (October 29, 2013); *Jerelyn Jones v. D.C. Public Schools,* OEA Matter No. 2401-0053-10, *Opinion and Order on Petition for Review* (April 30, 2013); and *Diane Gustus v. Office of Chief Financial Officer,* OEA Matter No. 1601-0025-08, *Opinion and Order on Petition for Review* (December 21, 2009).

attorney's fees in this matter. Employee on the other hand argues that Agency's action violated *Allen* factors 2, 3, 3a, 4 and 5. She explains that she was substantially innocent and she was fully successful in her appeal against Agency. Employee maintains that Agency terminated her in bad faith in continuation of its harassment of her. Employee asserts that if Agency was not blinded by its malice towards her, it should have known that it would not prevail on the merits. Employee also asserts that she was harassed for multiple years by Agency, as Agency refused to reasonably accommodate her. Based on the record, the undersigned finds that *Allen* Factors 2 is applicable since Employee was "substantially innocent" of the charges brought by Agency and the charges were reversed through the Initial Decision which Agency did not contest. Thus, I further find an award of attorney fees to be in the interest of justice. Accordingly, I conclude that the requirements of both D.C. Official Code § 1-606.08 and OEA Rule 634.1 have been satisfied in this matter. The issue now hinges on the reasonable amount of attorney fees to be awarded. The D.C. Court of Appeals, in *Frazier v. Franklin Investment Company, Inc*., 468 A.2d 1338 (1983), held that the determination of the reasonableness of an award is within the sound discretion of the trial court. It reasoned that the trial court has a superior understanding of the litigation.[15] Here, the undersigned is the equivalent of the trial court.[16]

Reasonableness of Attorney Fees

In *Hensley v. Eckerhart*, 461 U.S. 424 (1983), the U.S. Supreme Court held that, the most critical factor in determining the reasonableness of an attorney's fee award is the degree of success obtained, since a requested fee based on the hours expended on the litigation as a whole may be deemed excessive if a plaintiff achieves only partial or limited success. In cases where a party is only partially successful, the trial court must exercise its discretion to determine what amount of fees, if any, should be awarded.[17] In the instant matter, Employee was fully successful in her appeal against Agency, and she is entitled to attorney fees in the interest of justice. Once the conclusion is reached that attorney fees should be awarded, the determination must be made on the amount of the award. The burden is on the fee applicant to produce satisfactory evidence that the requested rates are in line with those prevailing in the community for similar services by lawyers of reasonably comparable skill, experience, or reputation.[18] The best evidence of the prevailing hourly rate is ordinarily the hourly rate customarily charged in the community in which the attorney whose rate is in question practices.[19] OEA Rule 639.3 establishes that "an employee shall submit reasonable evidence or documentation to support the number of hours expended by the attorney on the appeal."

Here, in Employee's Verified Petition for Attorneys' Fees and Costs, Ms. Maddox requested attorney's fees in the amount of **$116,952.50**, under the **Laffey Matrix**, which represent a total of **102.5** hours of service at a rate of **$1,141/hour** for herself. Ms. Maddox also charged $150 for costs. In the alternative, Ms. Maddox requested attorney's fees in the amount of **$82,560** under the **Fitzpatrick Matrix**, which represent a total of 102.5 hours of service at a rate of

[15] Citing *Hensley v. Eckerhart*, 461 U.S. 424, 103 S. Ct. 1993, 1941 (1983).
[16] *Estate of Bryan Edwards v. District of Columbia Department of Youth and Rehabilitation Services*, Opinion and Order on Attorney's Fees, OEA Matter No. 1601-0017-06AF10 (June 10, 2014).
[17] *Fleming v. Carroll Publ'g Co*., 581 A.2d 1219 (D.C. 1990).
[18] *Blum v. Stenson*, 465 U.S. 886 (1984).
[19] *Save Our Cumberland Mountains v. Hodel*, 857 F.2d 1516 (D.C. Cir. 1988).

$804/hour for herself. Additionally, Ms. Maddox asserts that if this Office decides not to award attorneys' fees under the Laffey or Fitzpatrick rates, it should direct Agency to pay her attorneys' fees and expenses at the Lodestar rate in the amount of **$38,587.50** which represents a total of **102.5** hours of service at a rate of **$375/hour**.[20]

Additionally, Employee filed a Notice of Final Billing adjusting its total fees amount as follows:[21]

Laffey Rate: - $130,108.23 + 150 (process server) for a total of $130,258.23, which represents a total of 114.45 hours of service at a rate of $1,141/hour for herself.

Fitzpatrick Rate: - $92,592.36 + 150 (process server) for a total of $92,742.36 which represents a total of 114.45 hours of service at a rate of $804/hour for herself.

Lodestar Rate: - $42,918.75 + 150 (process server) for a total of $43,068.75 which represents a total of 114.45 hours of service at a rate of $375/hour for herself.

OEA's Board has determined that the Administrative Judges of this Office may consider the "*Laffey* Matrix" in determining the reasonableness of a claimed hourly rate. The *Laffey* Matrix that is used to compute reasonable attorney fees in the Washington, D.C.-Baltimore Metropolitan Area, was initially proposed in *Laffey v. Northwest Airlines, Inc*.[22] It is an "x-y" matrix, with the x-axis being the years (from June 1 of year one to May 31 of year two, e.g., 2015-16, 2016-17) during which the legal services were performed; and the y-axis being the attorney's years of experience. The axes are cross-referenced, yielding a figure that is a reasonable hourly rate. The *Laffey* Matrix calculates reasonable attorney fees based on the amount of work experience the attorney has and the year that the work was performed. Imputing the applicable year allows for the rise in the costs of living to be factored into the equation. The matrix, which includes rates for paralegals and law clerks, is updated annually by the Civil Division of the United States Attorney's Office for the District of Columbia.[23]

This Office has consistently relied upon the USAO Matrix in consideration of the award for attorney fees. While it has been referred to as the "Laffey Matrix" the undersigned notes that name is now representative of a different scale, albeit similar considerations regarding attorney's experience, reasonableness of hours and the nature of the proceeding are considered by both matrices. However, the USAO Matrix "has been prepared by the Civil Division of the United States Attorney's Office for the District of Columbia (USAO) to evaluate request for attorney's fees in civil cases in District of Columbia Courts."[24] The USAO Matrix was utilized by the USAO through 2021, and it has now adopted what it names the "*Fitzpatrick Matrix*."[25] The *Fitzpatrick*

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[20] *See.* Employee's Verified Petition for Attorneys' Fees and Costs, *supra*. *See also*. Employee's Motion for Extension of Time to File Employee's Verified Petition for Attorneys' Fees and Costs, *Nunc Pro Tunc* (January 3, 2025).
[21] *See.* Employee's Notice of Final Billing (May 30, 2025).
[22] 572 F.Supp. 354 (D.D.C. 1983), aff'd in part, rev'd in part on other grounds, 746 F.2d 4 (D.C. Cir. 1984), cert. denied, 472 U.S. 1021 (1985).
[23] The updates are based on the change in the Consumer Price Index for All Urban Consumers (CPI-U) for Washington-Baltimore, DC-MD-VA-WV, as announced by the Bureau of Labor Statistics for May of each year.
[24] *See*. https://www.justice.gov/file/1461316/download – USAO Matrix Explanatory Note 1.
[25] *See*. https://www.justice.gov/usao-dc/page/file/1189846/download – Fitzpatrick Explanatory Note 1:

Matrix was adopted in 2022 to address the issues/conflicts found in previous matters regarding the use of the *Laffey* Matrix versus the USAO Matrix. However, it should be noted that this matrix has not yet been adopted for use outside the District of Columbia.

Further, it should be noted that Courts have "treated…the *Laffey* Matrix as a reference rather than a controlling standard."[26] "There is no concrete, uniform formula for fixing the hourly rates that are awarded in employment disputes (federal or local)."[27] The purpose of the *Laffey* Matrix is to provide a "short-cut compilation of market rates for a certain type of litigation."[28] Determining a reasonable hourly rate requires a showing of at least three elements: 1) the attorneys' billing practices; 2) the attorneys' experience, skill, and reputation; and 3) the prevailing rates in the relevant community.[29] When utilizing the *Laffey* Matrix as a guide, courts will "first determin[e] the so-called loadstar—the number of hours reasonably expended by counsel multiplied by a reasonable hourly rate."[30] Courts have increased or decreased the hourly rates depending on the characteristics of the case and the qualification of counsel.[31] In addition, "[t]he novelty [and] complexity of the issues" should be "fully reflected" in the determination of the fee award.[32] The undersigned finds that the same considerations are applicable within the confines of the ***USAO Fitzpatrick Matrix***. As a result, the undersigned will review this matter based upon the considerations of reasonableness as described above.

Hourly Rate

Sandra Maddox, Esq.

Here, the record highlights that Ms. Maddox has over 20 years of experience practicing law. Counsel notes that her practice focuses on civil rights and employment law. Ms. Maddox also proffers that she graduated from Law School in 1997 and has been practicing law since 2002. According to the *Laffey* Matrix, a reasonable hourly rate for an attorney with 20+ years of experience was $997 in the year 2022-2023; $1,057 in the year 2023-2024; and $1,141 in the year 2024-2025. Under the "Fitzpatrick Matrix", a reasonable hourly rate for an attorney with 21 years of experience in 2023 was $742; and $804 per hour for an attorney with 22 years of experience in

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> This matrix of hourly rates for attorneys of varying experience levels and paralegals/law clerks has been prepared to assist with resolving requests for attorney's fees in complex civil cases in District of Columbia federal courts handled by the Civil Division of the United States Attorney's Office for the District of Columbia. It has been developed to provide "a reliable assessment of fees charged for complex federal litigation in the District [of Columbia]," as the United States Court of Appeals for the District of Columbia Circuit urged. DL v. District of Columbia, 924 F.3d 585, 595 (D.C. Cir. 2019). The matrix has not been adopted by the Department of Justice generally for use outside the District of Columbia, nor has it been adopted by other Department of Justice components.

[26] *Elec. Transaction Sys. Corp. v. Prodigy Partners Ltd*., Inc., CIV. A 08-1610 (RWR, 2009 WL 3273920 (D.D.C. Oct. 9, 2009).
[27] *Ross v. Ofc. of Employee Appeals*, 2010 CA 3142 (MPA) (December 31, 2014).
[28] *Id*.
[29] *Id*. at 4 (quoting *Covington v. District of Columbia*, 313 U.S. App. D.C. 16, 18, 57 F.3d 1101, 1103 (D.C. Cir. 1995); *See also Lively v. Flexible Packaging Ass'n*, 930 A.2d 984, 988 (D.C. 2007).
[30] *Federal Marketing Co. v. Virginia Impression Products Co., Inc*., 823 A.2d 513, 530 (D.C. 2003) (quoting *Hampton Courts Tenants Ass'n v. District of Columbia Rental Hous. Comm'n*, 599 A.2d 1113, 1115 (D.C. 1991).
[31] *See. Elec. Transaction Sys. Corp*., *supra*.
[32] *Ross v. Ofc. of Employee Appeals*, 2010 CA 3142 (MPA) (December 31, 2014) (quoting *Pennsylvania v. Del Valley Citizens' Council for Clean Air*, 478 U.S. 546, 565 (1986).

2024. Ms. Maddox avers that her billing rate at the Maddox Law Office is $375 per hour, which is below the prevailing market rate in the Washington, DC geographic area. Moreover, a review of the retainer agreement between Ms. Maddox and the current Employee reveal an hourly rate of $375.

Agency cites that Employee's attorney charged Employee $38,456.25 for the services she performed, at a rate of $375 per hour. As such, Agency highlights that if OEA finds that some attorney's fees are warranted, any award of fees must be significantly less than the $117,102.50 (Laffey rate) that Employee requests in her Petition. Relying on the retainer agreement between The Maddox Law Office and Employee, as well as Ms. Maddox's assertion that her billing rate at the Maddox Law Office is $375 per hour, I find that Ms. Maddox's self-determined rate of **$375** per hour is sufficient and reasonable for the review of fees requested in this matter.

Number of Hours Expended

OEA's determination of whether an Employee's attorney fee request is reasonable is also based upon consideration of the number of hours reasonably expended on the litigation as multiplied by the reasonable hourly rate.[33] While is it not necessary to know the "exact number of minutes spent or precise activity to which each hour was devoted, the fee application must contain sufficient detail to permit an informed appraisal of the merits of the application.[34] The number of hours reasonably expended is calculated by determining the total number of hours and subtracting nonproductive, duplicative and excessive hours. Here, Ms. Maddox requests attorney fees for a total of **114.45** hours expended in this matter from August 14, 2023, to May 21, 2025.

Agency contends that this calculation includes work that was performed prior to the filing of the instant appeal and for preparing a Petition for Enforcement that had not been filed. Pursuant to the record, Employee signed the retainer agreement with The Maddox Law Office on January 5, 2023. The retainer agreement stated that "the Client retains the Law Firm to provide the following legal services only: *Representation for your legal matter with regard to filing an appeal of your termination with the Office of Employee Appeal in the District of Columbia*."[35] Employee was terminated from Agency effective October 10, 2023, and the Petition for Appeal was filed with OEA on November 9, 2023.

I have reviewed the total 114.45 hours claimed by Ms. Maddox, as well as Agency's objections, and find that the number of hours expended was reasonable for the degree of difficulty. This finding is based on the comparison of the professional services provided by other similarly experienced counsel who have appeared before this Office and the degree of legal complexity involved in the issues presented. This Office has consistently held that requests for attorney fees should be reasonable in nature and not excessive or duplicative. While an Evidentiary Hearing was held in this matter due to an issue of material fact regarding whether Employee engaged in the

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[33] *Lee v. Metropolitan Police Department*, OEA Matter No 1601-0087-15AF18 (July 27, 2018) *citing to Copeland v Marshall*, 641 F.2d 880 (D.C. Cir. 1980). *See also Hensley v Eckerhart*, 461 U.S. 424 (1983) and *National Association of Concerned Veterans v. Secretary of Defense*, 675 F.2d 1319 (D.C. Cir 1982).
[34] *Id. Copeland supra.*
[35] *See*. Employee's Motion for Extension of Time to File Employee's Verified Petition for Attorneys' Fees and Costs, *Nunc Pro Tunc, supra,* at Exhibit A.

action for which she was charged, the undersigned finds that it was an otherwise straightforward matter. Agency avers that the billing entries include work performed prior to the filing of the Petition for Appeal in this matter. OEA has held that the award of attorney fees can be reduced if a determination has been made that the fees were excessive.[36]

Billing Entries

Upon review of the billing entries included with Employee's Verified Petition for Attorneys' Fees and Costs, *supra*, Employee's Motion for Extension of Time to File Employee's Verified Petition for Attorneys' Fees and Costs, *Nunc Pro Tunc, supra,* and Notice of Final Billing, *supra*, I find that Ms. Maddox billed Employee for work performed prior to filing Employee's appeal with OEA on November 9, 2023. Nonetheless, I find that these entries from August 14, 2023, to when the instant Petition for Appeal was filed on November 9, 2023, are related to the current adverse action. For instance, Ms. Maddox noted the following in her invoice:

> **August 14, 2023** – Emails from Agency's HR to client re meeting where she was terminated – 0.08 hours = $31.25.
>
> **August 22, 2023** – Phone call with client – Email to/from RMO in HR to ascertain purpose of meeting where Client was terminated – 0.17 hours = $62.50.
>
> **August 22, 2023** – Emails from Agency HR to Client re Union representation for meeting where she was terminated – 0.13 hours = $50.00.
>
> **August 31, 2023** – Review & Revise Client's drafted email to doctor re termination – 2.67 hours = $1,000.
>
> **August 31, 2023** – Phone call with Union rep re termination of client – 0.50 hours = $187.50.
>
> **August 31, 2023** – Meeting with Agency HR- termination of client – 0.25 hours = $93.75.
>
> **September 7, 2023** – Draft & Finalize – Write Initial Appeal of Removal – Section 1 (4hours) and 1 hour call with Client – 5.00 hours - $1,875.00.
>
> **September 9, 2023** – Draft & Finalize – Write Appeal – Section 2 – 6.00 hours = $2,250.00
>
> **September 10, 2023** – Draft & Finalize – Write Appeal Section 3 and review and finalize entire document – 5.00 hours = $1,875.00.

[36]*See. Winfred L Stanley, Reginald L. Smith Sr., & John C. Daniels v. Metropolitan Police Department*, OEA Matter Nos. J-0075-98A08R10, J-0074-98A08R10, J-0081-A08R10, Corrected Decision on Attorney Fees on Remand, (June 1, 2011). Here, the Administrative Judge reduced rates between 50% and up to 60% for excessive and duplicative hours (pages 7-10).

October 17, 2023 – Research case law on Douglas Factors OCP relied upon to terminate client – 2.50 hours = $937.50.

November 6, 2023 – Begin drafting OEA Appeal Document – 3.00 hours = $1,125.00

November 9, 2023 – continue drafting and finalizing OEA Appeal document with Exhibits – 6.00 hours = $2,250.00.

Pursuant to the record, on August 14, 2023, Agency issued its Proposing Official Rationale Worksheet charging Employee with "False Statements/Record: Deliberate falsification of a material item on an application for employment or other personal history record by omission or by making a false entry" and proposed termination. Thereafter, on August 31, 2023, Agency issued a Notice of Summary Removal to Employee. Consequently, I find that these entries from August 14, 2023, to November 9, 2023, were related to the current adverse action and were in preparation for filing Employee's appeal with OEA. As such, I conclude that all the entries prior to the filing of the Petition for Appeal will be included in the calculation of attorney fees.

Agency also argues that Ms. Maddox included hours spent for preparing a Petition for Enforcement that had not been filed. Accordingly, Agency maintains that if OEA finds that an award for attorney's fees is warranted, it should be capped at $29,718.75. I find that on January 3, 2025, Ms. Maddox filed a Motion to Enforce the Final Decision. An Addendum Decision on Compliance was issued on August 26, 2025. Therefore, I conclude that the hours spent in the related compliance matter as detailed in Employee's Notice of Final Billing are reasonable and should be part of the fees requested. Accordingly, I find that Ms. Maddox is entitled to an award of attorney fees from August 14, 2023, to May 21, 2025, for a total of **114.45 hours**.

To determine the reasonable amount of attorney fees, the total number of hours reasonably expended – 114.45 – is multiplied by the reasonable hourly rate of $375 as set forth in the retainer agreement submitted by Ms. Maddox to this Office. This amounts to forty-two thousand, nine hundred and eighteen dollars and forty-five cents (**$42,4918.45)**. I also find that Ms. Maddox is entitled to one hundred and fifty dollars and zero cents **($150.00**) in litigation costs. Accordingly, in the interest of justice, I conclude that Ms. Maddox is entitled to a total award of reasonable attorney fees and costs in the amount of **$43,068.75.**

ORDER

It is hereby ORDERED that Agency pay, within thirty (30) days from the date on which this Addendum Decision becomes final, a total of **$43,068.75 to the Maddox Law Office** in attorney fees and costs.

FOR THE OFFICE:

/s/ *Monica N. Dohnji*
MONICA DOHNJI, Esq.
Senior Administrative Judge