

THE DISTRICT OF COLUMBIA

BEFORE

THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	
)	
Richard Hairston)	OEA Matter No. 1601-0307-10C15
Employee)	
)	
v.)	Date of Issuance: June 16, 2015
)	
Department of Corrections)	Joseph E. Lim, Esq.
Agency)	Senior Administrative Judge

Alan Banov, Esq., Employee Representative
Frank McDougald, Esq., Agency Representative

ADDENDUM DECISION ON COMPLIANCE

INTRODUCTION

On May 3, 2010, Employee, a Correctional Officer, grade 8/10, filed a petition for appeal with this Office (“OEA”) from Department of Correction's (“Agency”) final decision effective April 3, 2010, removing him for committing “any on-duty or employment act or omission that interferes with the efficiency or integrity of government operations: misfeasance.”

This matter was originally assigned to me on July 10, 2012. After a hearing on November 8 and 9, 2012, I issued an Initial Decision (“ID”) on April 30, 2013. The ID held that although Employee was guilty of misfeasance, his penalty of termination was unreasonable in light of this being his first offense under the applicable law. Thus I reduced his penalty to a fifteen (15) day suspension. Agency appealed to the OEA Board but the Board denied Agency’s appeal.

On April 15, 2015, Employee filed a Motion to Enforce Order, alleging that Agency has failed to comply with the ID. In response to my Order to Agency, Agency submitted its response to Employee’s Motion to Enforce Order on May 11, 2015. In its response, Agency submitted documents that showed Employee was reinstated in November 2014, and how his back pay was calculated and paid, and how his sick and annual leave was restored. Employee’s counsel had verbally indicated to the undersigned that Agency has indeed complied with the ID. The record is closed.

JURISDICTION

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

ISSUE

Whether Employee's motion for compliance should be dismissed.

ANALYSIS AND CONCLUSION

Since the agency has complied with this Office's decision, Employee's motion for compliance is dismissed.

ORDER

It is hereby ORDERED that the petition in this matter is dismissed.

FOR THE OFFICE:

JOSEPH E. LIM, ESQ.
Senior Administrative Judge