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**THE DISTRICT OF COLUMBIA**

**BEFORE**

**THE OFFICE OF EMPLOYEE APPEALS**

|   |   |                                  |
|---|---|----------------------------------|
| _____   | ) |                                  |
| In the Matter of:                                 | ) |                                  |
|   | ) |                                  |
| MADELEINE FRANCOIS,                               | ) |                                  |
| Employee  | ) | OEA Matter No. 1601-0007-18AF19  |
|   | ) |                                  |
| v.  | ) |                                  |
|   | ) |                                  |
| OFFICE OF THE STATE                               | ) | Date of Issuance: April 30, 2020 |
| SUPERINTENDENT OF EDUCATION,                      | ) |                                  |
| Agency  | ) | MICHELLE R. HARRIS, ESQ.         |
|   | ) | Administrative Judge             |
| _____   | ) |                                  |
| Denise M. Clark, Esq., Employee Representative    | ) |                                  |
| Hillary Hoffman-Peak, Esq., Agency Representative | ) |                                  |

**ADDENDUM DECISION ON ATTORNEY FEES<sup>1</sup>**

**INTRODUCTION AND PROCEDURAL BACKGROUND**

On October 13, 2017, Madeleine Francois (“Employee”) filed a Petition for Appeal with the Office of Employee Appeals (“OEA” or “Office”) contesting the Office of the State Superintendent of Education’s (“Agency” or “OSSE”) decision to terminate her from her position as a Bus Attendant, effective close of business September 18, 2017. Following an unsuccessful attempt at mediation, this matter was assigned to the undersigned Administrative Judge (“AJ”) on December 11, 2017. An Evidentiary Hearing was held on April 3, 2018. On October 31, 2018, the undersigned issued an Initial Decision reversing Agency’s action. On December 3, 2018, Agency filed a Petition for Review of the Initial Decision with the OEA Board. The Board issued its Opinion and Order on Review (“O&O”) on July 16, 2019, denying Agency’s Petition for Review. Agency filed a Petition for Review of Agency Decision in the Superior Court for the District of Columbia on August 19, 2019.

On August 5, 2019, Employee, by and through her counsel, filed a Motion for Attorney’s Fees in the above-captioned matter. On August 19, 2020, the undersigned Administrative Judge issued an Order requiring Agency to respond to Employee’s Motion. On August 30, 2019, Agency responded and indicated therein that it was attempting to settle this matter and cited that it had

<sup>1</sup> This Initial Decision was issued during the District of Columbia’s COVID-19 State of Emergency.

filed an appeal of this matter to the Superior Court for the District of Columbia. On December 16, 2019, this matter was dismissed in the Superior Court for the District of Columbia following Agency's submission of a Consent Praecept, wherein it voluntarily withdrew its Petition for Review of Agency Decision. This matter was then forwarded to the undersigned Administrative Judge regarding the outstanding Attorney Fees and Costs Motion. On January 27, 2020, I issued an Order requiring the parties to submit a response to Employee's Motion for Attorney Fees and Costs. Responses were due on or before February 18, 2020. Agency submitted its response on February 18, 2020 and indicated therein that it "has a check ready for Ms. Clark." Counsel for Employee submitted her response on March 9, 2020 and confirmed that the "Agency has satisfied the petition for attorneys' fees which it did not oppose."<sup>2</sup>

### **JURISDICTION**

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

### **ISSUE**

Whether Employee's Petition for Attorney Fees should be dismissed.

### **ANALYSIS AND CONCLUSION**

On March 9, 2020, Employee's counsel filed a report indicating that Agency had satisfied the Petition for Attorneys Fees and Costs. Accordingly, Employee's Motion for Attorney Fees shall be dismissed.

### **ORDER**

It is hereby **ORDERED** that Employee's Motion for Attorney Fees is **DISMISSED**.

FOR THE OFFICE:

**/s/ Michelle R. Harris**  
Michelle R. Harris, Esq.  
Administrative Judge

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<sup>2</sup> Counsel for Employee also noted therein that there was an outstanding compliance issue regarding Employee's receipt of backpay. An Order requiring Agency's response was issued on March 10, 2020. That matter will be addressed in a separate Addendum Decision on Compliance once parties have responded to the Order issued on March 10, 2020.