

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:)	
)	
REGINA OGWUEGBU,)	
Employee)	OEA Matter No. 1601-0113-14AF17
)	
v.)	Date of Issuance: August 20, 2018
)	
DEPARTMENT OF BEHAVIORAL HEALTH,)	Monica Dohnji, Esq.
Agency)	Senior Administrative Judge
)	

Rani Rolston, Esq., Employee's Representative
Frank McDougald, Esq., Agency's Representative

ADDENDUM DECISION ON ATTORNEY FEES

INTRODUCTION AND PROCEDURAL BACKGROUND

On August 18, 2014, Regina Ogwuegbu ("Employee") filed a Petition for Appeal with the D.C. Office of Employee Appeals ("OEA" or "Office") contesting the Department of Behavioral Health's ("DBH" or "Agency") decision to terminate her from her position as a Psychiatric Nurse/Team Lead, effective July 28, 2014. Employee was terminated based on the following charge: any on-duty or employment-related act or omission that interferes with the efficiency and integrity of government operations; Neglect of Duty, specifically, (1) failure to observe precautions regarding safety; and (2) Patient Abuse. On September 22, 2014, Agency filed its Answer in response to Employee's Petition for Appeal.

This matter was assigned to the undersigned on March 3, 2015. After several conferences and brief submissions, an Evidentiary Hearing was held on March 1, and 2, 2016. On August 10, 2016, I issued an Initial Decision ("ID"), reversing Agency's decision to terminate Employee. On October 17, 2016, Employee's attorney filed a Motion for Attorney's Fees and Costs. On October 25, 2016, the undersigned issued an Order convening a Status Conference in this matter for November 30, 2016. Following an extension request from Agency and an opposition to Agency's extension request from Employee, the parties requested that this matter be referred to mediation. After about a year in mediation, the parties reached a settlement agreement. On

August 17, 2018, the Mediator assigned to this matter forwarded a copy of the executed settlement agreement between the parties to the undersigned. 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 Motion for Attorney's Fees and Costs should be dismissed.

ANALYSIS AND CONCLUSIONS OF LAW

D.C. Official Code §1-606.06(b) (2001) states in pertinent part that:

If the parties agree to a settlement without a decision on the merits of the case, a settlement agreement, prepared and signed by all parties, shall constitute the final and binding resolution of the appeal, and the [Administrative Judge] shall dismiss the appeal with prejudice.

In the instant matter, since the parties have agreed and executed a settlement agreement, I find that Employee's Motion for Attorney's Fees and Costs is dismissed.

ORDER

It is hereby ORDERED that the Motion for Attorney's Fees and Costs in this matter is DISMISSED.

FOR THE OFFICE:

MONICA DOHNJI, Esq.
Senior Administrative Judge