THE DISTRICT OF COLUMBIA

BEFORE

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:	)	
	)	OEA Matter No. 1601-0008-16R24C24
EMPLOYEE,	)	OEA Matter No. 1601-0046-17R24C24
	)	
	)	Date of Issuance: April 7, 2025
v.	)	
	)	JOSEPH E. LIM, ESQ.
METROPOLITAN POLICE DEPARTMENT,	)	SENIOR ADMINISTRATIVE JUDGE
Agency	)	

Daniel Crowley, Esq. and Katelyn Clarke, Esq., Employee Representatives
Teresa Quon Hyden, Esq., Agency Representative

ADDENDUM DECISION ON COMPLIANCE

PROCEDURAL HISTORY

On October 15, 2015, Employee, a Police Lieutenant with the Metropolitan Police Department ("MPD" or "Agency"), filed a Petition for Appeal with the Office of Employee Appeals ("OEA" or the "Office") challenging Agency's final decision to suspend him from employment for fifteen (15) days, for insubordination. This matter was docketed by this Office as OEA Matter No. 1601-0008-16. The matter was assigned to the undersigned Administrative Judge on December 21, 2015. I held a Prehearing Conference on March 14, 2016, wherein the parties expressed an interest in settling the matter. Periodically, the parties submitted status reports on their settlement negotiations.

On May 10, 2017, Employee filed another Petition for Appeal with this Office challenging Agency's final decision to suspend him from employment for twenty (20) days, for making false statements, use of unnecessary force, insubordination, and inefficiency. This matter was docketed by this Office as OEA Matter No. 1601-0046-17. The matter was assigned to the undersigned Administrative Judge on July 7, 2017. At the request of the parties and for judicial efficiency, I consolidated the two matters and ordered the submission of stipulated facts and the completion of discovery by November 15, 2017.

Based on the submissions and the breakdown of settlement talks, I decided that an Evidentiary Hearing was necessary. After several postponements requested by the parties, I held an Evidentiary Hearing on January 24, 2019, and March 8, 2019. On April 29, 2019, I issued an Initial Decision ("ID") reversing Agency's adverse action of a fifteen (15) days suspension with regards to OEA Matter Number 1601-0008-16 while upholding Agency's adverse action of a twenty (20) days suspension with regards to OEA Matter Number 1601-0046-17.

On June 25, 2019, Employee filed a petition for review of the OEA's decision with regard to OEA Matter No. 1601-0046-17 in Superior Court for the District of Columbia in Case No. 2019-CA-004173(MPA). On March 7, 2022, the Superior Court denied Employee's petition for review, affirming the OEA decision. Employee appealed the Superior Court's decision to the District of Columbia Court of Appeals ("DCCA") on March 7, 2022, in Case No. 22-CV-0220. On May 2, 2024, the Court of Appeals reversed the OEA's order on OEA Matter No. 1601-0046-17 and left unaltered its decision in OEA Matter No. 1601-0008-16.

On July 1, 2024, the Superior Court for the District of Columbia in Case No. 2019-CA-004173(MPA) remanded the matter back to OEA to issue an order consistent with the DCCA's opinion. On August 7, 2024, Employee filed a Motion for Entry of Order asking the undersigned to issue an Initial Decision on Remand in accordance with the Court's rulings.

After I held a Status Conference in this matter on September 11, 2024, I reversed Agency's action suspending Employee for twenty (20) days and directed Agency to issue Employee the back pay to which he is entitled and restore any benefits he lost as a result of both the fifteen (15) days suspension and twenty-day (20) suspension.[1] After the Initial Decision became final thirty-five days later, Agency submitted a Consent Motion to Extend Time to Comply with Initial Decision. On November 21, 2024, I ordered the parties to submit a report on compliance on or before February 3, 2025.

When the parties indicated that it would take time for the parties to submit the required documents and for the government to process Employee's backpay, I thereby ordered the parties to submit periodic status reports regarding compliance. On December 6, 2024, the parties submitted a Joint Status Report asking for a stay as Agency needed time to complete the audit necessary to restore Employee's retirement benefits. I thereby granted the stay. On April 1, 2025, the parties emailed a Joint Status Report indicating that Agency had fully complied and that there are no outstanding issues remaining. The record is closed.

JURISDICTION

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

ISSUE

Whether the compliance petition should be dismissed.

FINDINGS OF FACT, ANALYSIS AND CONCLUSIONS

In accordance with OEA Rule 607.11, 68 DCR 012473 (December 27, 2021), 6-B DCMR Ch. 600, an Administrative Judge may dismiss a case when the parties reach a settlement. The documents submitted by the parties clearly state that the matter was settled and that Employee seeks to withdraw his motion and have his petition for compliance dismissed.

1 Pursuant to *Royal v. D.C. Metropolitan Police Department*, 314 A.3d 67 (2024).

ORDER

Based on the foregoing, it is hereby ORDERED that Employee's motion for compliance is dismissed with prejudice.

FOR THE OFFICE: /*s/Joseph Lim, Esq.*
JOSEPH E. LIM, ESQ.
Senior Administrative Judge