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**THE DISTRICT OF COLUMBIA**  
**BEFORE**  
**THE OFFICE OF EMPLOYEE APPEALS**

_____	)	
In the Matter of:	)	
	)	
MARY PHILLIPS,	)	
Employee	)	OEA Matter No. 2401-0405-10-AF14
	)	
v.	)	Date of Issuance: October 5, 2015
	)	
D.C. DEPARTMENT OF YOUTH	)	
REHABILITATION SERVICES,	)	
Agency	)	Eric T. Robinson, Esq.
	)	Senior Administrative Judge
_____	)	
Kristin D. Alden, Esq., Employee Representative	)	
Lindsey O. Appiah, Esq., Agency Representative	)	

**ADDENDUM DECISION REGARDING ATTORNEY FEES AND COSTS**

**INTRODUCTION AND PROCEDURAL BACKGROUND**

On September 4, 2010, Mary Phillips (“Employee”) filed a petition for appeal with the Office of Employee Appeals (“OEA” or “the Office”) contesting the District of Columbia Department of Youth Rehabilitation Services (“DYRS” or “the Agency”) action of abolishing her last position of record through a Reduction-In-Force (“RIF”). According to a letter dated August 20, 2010, from DYRS and hand delivered to Employee (“RIF Notice”), the effective date of her removal from service via RIF was September 24, 2010. Employee’s service compensation date was September 1, 1988. Employee had twenty-two (22) years of service with the District government at the time her position was abolished.

I was initially assigned this matter on or about July 2012. Thereafter, the parties were required to submit multiple legal briefs supporting their opposing positions in this matter. On November 19, 2013, I issued an Initial Decision (“ID”) wherein I reversed Agency’s removal of Employee via RIF. DYRS opted not to contest the ID and it became the final decision of the OEA approximately 35 days after the ID was issued. On January 23, 2014, Employee, through counsel submitted a Motion for Attorney’s Fees and Cost. Thereafter, on February 12, 2014, the OEA received Employee’s Petition for Enforcement wherein Employee was seeking to force the Agency to comply with the ID and restore Employee to her last position of record (or a similar one) and was seeking an award of back-pay. Thereafter, the parties submitted a consent motion

to stay proceedings with respect to both motions in an effort to amicably solve their differences. On June 26, 2014, Employee, through counsel, submitted a Notice of Withdrawal of Appeal wherein, Employee voluntarily withdrew her petition for enforcement. That matter was then decided in an Addendum Decision issued on July 31, 2014.<sup>1</sup>

On October 1, 2015, Employee, through counsel, submitted a Notice of Withdrawal of Appeal Without Prejudice regarding the outstanding issues surrounding the payment of attorney fees and costs. In this notice, Employee submits that the parties have reached a settlement on the issues surrounding the amount and payment of attorney fees in this matter and she requests that her appeal be withdrawn

### JURISDICTION

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

### ISSUE

Whether this matter may now be dismissed.

### ANALYSIS AND CONCLUSION

I am guided by the OEA rules in this matter. OEA 606.2<sup>2</sup> provides that “the Office shall exert every possible effort to resolve matters by mediation, to the extent possible, rather than through litigation.” Furthermore, OEA Rule 606.11 states that “if the parties reach a settlement, the matter shall be dismissed in accordance with D.C. Official Code § 1-606.06(b) (2006 Repl.)” Employee, through counsel, has submitted a Notice of Withdrawal indicating that the parties have settled their differences. Accordingly, I find that Employee’s motion for attorney’s fees should be dismissed in accordance with OEA Rule 606.11.

### ORDER

Based on the foregoing, it is hereby ORDERED that this matter be DISMISSED.

**FOR THE OFFICE:**

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Eric T. Robinson, Esq.  
Senior Administrative Judge

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<sup>1</sup> OEA Matter No. 2401-0405-10-C14.

<sup>2</sup> 59 DCR 2129 (March 16, 2012).