

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:	)	
	)	
JAMES WILSON,	)	
Employee	)	
	)	OEA Matter No. 1601-0062-17C20
v.	)	
	)	Date of Issuance: April 30, 2020
D.C. DEPARTMENT OF PARKS AND	)	
RECREATION,	)	
Agency	)	MICHELLE R. HARRIS, ESQ.
_____	)	Administrative Judge
James Wilson, Employee, <i>Pro se</i>		
Andrea Comentale, Esq., Agency Representative		

**ADDENDUM DECISION ON COMPLIANCE<sup>1</sup>**

**INTRODUCTION AND PROCEDURAL HISTORY**

An Initial Decision was issued in this matter on September 26, 2018. The Initial Decision reversed Agency's action of terminating Employee from service and required that Employee be reinstated and provided all back pay and benefits lost as a result of his removal. Agency filed a Petition for Review of the Initial Decision to the OEA Board ("Board") on October 31, 2018. The Board issued its Opinion and Order ("O&O") in this matter on May 28, 2019. The Board denied Agency's Petition for Review and required that Agency reinstate Employee and reimburse all back pay and benefits lost as a result of his removal. On September 17, 2019, Employee submitted a notice to OEA indicating that he had not been reinstated or received back pay or benefits. An email was sent to Agency's representative on September 19, 2019, inquiring about the status of Employee's reinstatement.<sup>2</sup> Agency's representative responded and indicated that Employee was to be reinstated by either September 30, 2019, or October 15, 2019. In January 2020, this matter was forwarded to the undersigned Administrative Judge ("AJ") to ascertain whether there were any outstanding compliance issues in this matter.

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

<sup>2</sup> An email was sent from the OEA Office of General Counsel's Paralegal to Agency's representative. At the time of that email exchange, Ryan Donaldson, Esq., was Agency's representative.

Accordingly, on January 23, 2020, I issued an Order for Response on Compliance. Agency had until February 14, 2020 to submit a response regarding any outstanding compliance issues in this matter. Employee also had the option to submit a response by that same date. Agency submitted a response on February 14, 2020, and indicated therein that Employee was reinstated effective October 28, 2019, and that an estimated gross computation of his back pay was forwarded to the District of Columbia Department of Human Resources (DCHR) on December 23, 2019. Agency also cited that on February 13, 2020, it was notified that Employee's back pay request had been approved by DCHR and had been forwarded to the Office of Pay and Retirement Services (OPRS) for processing. Accordingly, I issued an Order on March 11, 2020, requiring Agency to submit an update regarding the status of Employee's back pay on or before March 24, 2020. Employee also had the option to submit a response on or before March 24, 2020. Agency filed its response on March 23, 2020, indicating that Employee had received his back pay. Employee replied via email on March 24, 2020 and stated that he had received all his back pay and benefits. The record is now closed.

### JURISDICTION

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

### ISSUE

Whether Employee's September 17, 2019 request for compliance should be dismissed.

### ANALYSIS AND CONCLUSION

OEA Rule 635<sup>3</sup> addresses compliance and enforcement of Orders issued by this office. OEA Rule 635.1 provides that unless the Office's final decision is appealed to the Superior Court of the District of Columbia, the District agency shall comply with the Office's final decision within thirty (30) calendar days from the date the decision becomes final. Here, an Initial Decision was issued on September 26, 2018, which reversed Agency's decision to remove Employee and ordered that Employee be reinstated. Agency filed a Petition for Review with OEA's Board on October 31, 2018. The Board issued its Opinion and Order ("O&O") in this matter on May 28, 2019. The Board denied Agency's Petition for Review and required that Agency reinstate Employee and reimburse all back pay and benefits lost as a result of his removal. The Board's O&O was not appealed to the Superior Court for the District of Columbia; therefore, it became the final decision of this Office. On March 23, 2020, Agency indicated that Employee had received all back pay and benefits. Additionally, on March 24, 2020, Employee confirmed that he had received all back pay and benefits. As a result, I find that Agency has complied with this Office's September 26, 2018 Initial Decision, and Employee's September 17, 2019 request for compliance should be dismissed.

---

<sup>3</sup> 59 DCR 2129 (March 16, 2012).

**ORDER**

Accordingly, it is hereby **ORDERED** that since Employee has been reinstated and has received all back pay and benefits, Employee's September 17, 2019 request for compliance is **DISMISSED**.

FOR THE OFFICE:

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