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

_____	)	
In the Matter of:	)	
	)	
WARREN EASLEY	)	OEA Matter No. 1601-0107-05
Employee	)	
	)	Date of Issuance: October 13, 2005
v.	)	
	)	Daryl J. Hollis, Esq.
	)	Senior Administrative Judge
UNIVERSITY OF THE DISTRICT OF	)	
COLUMBIA	)	
Agency	)	
_____	)	

Lathal Ponder, Esq., Employee Representative  
Clarenc Martin, Esq., Agency Representative

**INITIAL DECISION**

**INTRODUCTION AND STATEMENT OF FACTS**

On August 15, 2005, Employee, a Program Manager, filed a petition for appeal from the following action: "On May 5, 2005, I received a letter in which my supervisor demoted me without cause from my position and lowered my salary without cause."

On August 15, 2005, Agency submitted a Motion to Dismiss Employee's petition for appeal on the grounds that it is moot. In support of its motion, Agency wrote as follows:

- Effective October 1, 2004, the University of the District of Columbia appointed Mr. Warren Easley as Program Manager of a grant funded program. He was a full time temporary employee with a not-to-exceed date of September 30, 2005. . . .
- On or about June 1, 2005, the University demoted Mr. Easley from Program Manager to Training Specialist. By virtue of the demotion Mr. Easley's salary was reduced. . . .
- On or about August 2, 2005, the University initiated a personnel action to restore Mr. Easley to Program Manager at his original pay grade.
- On August 12, 2005, the University . . . completed the Notification of Personnel Action restoring Mr. Easley to the Program Manager position and salary effective June 1, 2005. Accordingly, Mr. Easley will receive backpay for any actual salary loss during the time in question.

Motion to Dismiss at 1-2. (footnote omitted). (citations to exhibits omitted). Agency also wrote: "Based on the aforementioned, the University . . . has addressed and rectified the issues raised by Mr. Easley's Petition for Appeal. Under the circumstances, the University . . . respectfully requests that the Petition be dismissed." *Id.* at 2. Accompanying Agency's motion are official personnel documents in support of its position as expressed above.

On August 18, 2005, I issued an Order for Employee's Response to Agency's Motion to Dismiss Petition for Appeal, in which I ordered Employee to submit his response to Agency's motion by the close of business on September 1, 2005. This Order was mailed to the addresses of record of both Employee and his representative, and neither was returned to the Office as undelivered. However, Employee did not submit a response by the September 1, 2005 deadline, nor has he done so to date. Since this matter could be decided based on the documents of record, no proceedings were held. The record is closed.

### JURISDICTION

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

### ISSUE

Whether this matter should be dismissed as moot.

### ANALYSIS AND CONCLUSIONS

There is no requirement that this Office adjudicate a matter that is moot. *See, e.g., Culver v. D.C. Fire Department*, OEA Matter No. 1601-0121-90, *Opinion and Order on Petition for Review* (January 16, 1991), \_\_ D.C. Reg. \_\_\_ ( ); *Duckett v. D.C. Fire Department*, OEA Matter No. 1601-0287-97 (May 8, 2000), \_\_ D.C. Reg. \_\_\_ ( ); *Flowers v. Department of Human Services*, OEA Matter No. 1601-0168-97 (March 10, 2000), \_\_ D.C. Reg. \_\_\_ ( ); *Settlemyre v. Metropolitan Police Department*, OEA Matter No. 1602-0051-95 (June 13, 2001), \_\_ D.C. Reg. \_\_\_ ( ). A case is “moot” when “a controversy no longer exists.” *Black’s Law Dictionary*, p. 1029 (8<sup>th</sup> ed. 2004). Further, this Office has long held that a matter is moot when “there is no meaningful relief which can be granted [by the Office].” *See, e.g., Settlemyre, supra; Bashkar v. Department of Human Services*, OEA Matter No. 2401-0288-97 (January 21, 1999), \_\_ D.C. Reg. \_\_\_ ( ); *Ardonille v. Department of Finance & Revenue*, OEA Matter No. 1602-0024-95 (October 29, 1998), \_\_ D.C. Reg. \_\_\_ ( ); *Griffiths v. Department of Finance & Revenue (OCFO)*, OEA Matter No. 1602-0261-96 (November 12, 1996), \_\_ D.C. Reg. \_\_\_ ( ).

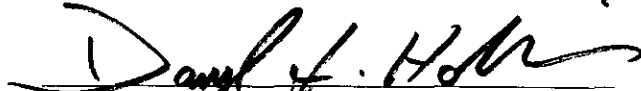
Here, Agency has argued that the matter should be dismissed as moot because the action of which Employee complained, *i.e.*, his demotion to the position of Training Specialist, has been rescinded and he has been returned to his original position of Program Manager. As noted above, the record contains official personnel documents that support Agency’s argument. Further, despite being afforded the opportunity to respond to Agency’s motion, Employee did not do so.

Based on the record before me, I conclude that Employee has received all of the relief to which he would have been entitled had he prevailed following an adjudication of the merits of this case. Thus, I further conclude that “a controversy no longer exists” and “there is no meaningful relief which can be granted [by the Office].” Agency’s Motion to Dismiss is Granted and this matter is dismissed as moot.

### ORDER

It is hereby ORDERED that this matter is DISMISSED.

FOR THE OFFICE:



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DARYL J. HOLLIS, Esq.  
Senior Administrative Judge