

Notice: This decision may be formally revised before publication in the *District of Columbia Register*. 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:)	
)	
Aprille Washington)	OEA Matter No. 1601-0021-08C09
Employee)	
)	
v.)	Date of Issuance: March 5, 2010
)	
D.C. Public Schools)	Joseph E. Lim, Esq.
Agency)	Senior Administrative Judge
)	

Harriet Segar, Esq., Agency Representative
Stewart Fried, Esq., Employee Representative

ADDENDUM DECISION ON COMPLIANCE

INTRODUCTION, PROCEDURAL HISTORY, AND FINDING OF FACT

On December 5, 2007, Employee appealed Agency's final decision to characterize her absence from work as a "voluntary resignation." At the time of Agency's action, Employee was in permanent educational status. After a hearing held on July 1, 2008, and August 5, 2008, Administrative Judge Lois Hochhauser issued an Initial Decision (ID) on October 22, 2008, ordering Agency to reinstate Employee after she concluded that Employee did not voluntarily resign from her position. The Decision became final on November 26, 2008.

On February 3, 2009, and again on June 5, 2009, Employee filed a Motion to Enforce Final Decision which stated, *inter alia*, that Employee had not received her back pay, pay step increase and benefits. This Matter was subsequently reassigned to the undersigned on October 16, 2009. After requests for postponement by the parties, I held a status conference on October 28, 2009. I ordered Agency to process Employee's back pay and other benefits and to submit a status report.

The parties submitted status reports on November 30, 2009, and January 11, 2010. I held another status conference on January 27, 2010, where the parties informed me that they had settled the back pay and step increase issues, but that they were still in disagreement over annual and sick leave. I ordered the parties to continue working on these issues and to submit a status report on February 26, 2010. Subsequently, Agency submitted a document indicating that it had

credited Employee with 352.25 hours of annual leave and 10.25 hours of sick leave. The record in this matter is closed.

JURISDICTION

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

ISSUE

Whether this compliance matter may now be dismissed.

ANALYSIS AND CONCLUSIONS

OEA Rule 636.1, 46 D.C. Reg. 9321 (1999) reads: " Unless the Office's final decision is appealed to the District of Columbia Superior Court, the District agency shall comply with the Office's final decision within thirty (30) calendar days from the date the decision becomes final."

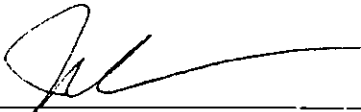
OEA Rule 636.7, *id.*, states that in a compliance matter, the Administrative Judge "shall take all necessary action to determine whether the final decision is being complied with and shall issue a written opinion on the matter." If the Administrative Judge determines that the agency has not complied with the final decision, the matter shall be certified to the General Counsel for further action to ensure compliance.¹

Compliance with the final decision for an unjustified personnel action includes the payment of wages lost and restoration of employment benefits to which the employee is entitled. The evidence of record reflects that Agency has finally complied with the ID. Therefore, I conclude that this compliance matter should be dismissed.

ORDER

It is hereby ORDERED that this compliance matter is DISMISSED.

FOR THE OFFICE:



Joseph E. Lim, Esquire
Senior Administrative Judge

¹ See OEA Rule 636.8, *id.*