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THE DISTRICT OF COLUMBIA

BEFORE

THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	
)	OEA Matter No. 2401-0162-13-R21
EMPLOYEE ¹ ,)	
Employee)	
)	Date of Issuance: September 19, 2022
v.)	
)	
DISTRICT OF COLUMBIA)	
PUBLIC SCHOOLS,)	
Agency)	Eric T. Robinson, Esq.
_____)	Senior Administrative Judge
Sam Cowin, Esq., Employee Representative		
Nicole Dillard, Esq., Agency Representative		

INITIAL DECISION ON REMAND

On September 13, 2013, Employee filed a petition for appeal with the Office of Employee Appeals (“the OEA” or “the Office”) contesting the District of Columbia Public School’s (“Agency” or “DCPS”) action of terminating her employment through a Reduction-in-Force (“RIF”). According to the documents of record, the effective date of the RIF was August 16, 2013. Employee’s position of record at the time her position was abolished was EG-7 Administrative Aide at Terrell Elementary School (“Terrell”).

I was initially assigned this matter on May 14, 2014. On May 30, 2014, I ordered the parties to submit briefs on the issue of whether Agency conducted the instant RIF in accordance with applicable District laws, statues, and regulations. On December 30, 2014, I issued an Initial Decision (“ID”) wherein I determined that Employee’s position was abolished after she was properly placed in a single person competitive level and a timely thirty (30) day legal notification was properly served. Therefore, I concluded that Agency’s action of abolishing Employee’s position was done in accordance with D.C. Official Code § 1-624.08 and the Reduction-in-Force which resulted in her removal was upheld. Dissatisfied with that determination, Employee filed a Petition for Review with the Board of the OEA on February 4, 2015. Despite Employee’s

¹ While this matter was under consideration by the District of Columbia Appeals, as well as several months prior to it being remanded to the Undersigned, Employee herein passed away.

contention to the contrary, her Petition for Review was denied, and the ID was affirmed in an Opinion and Order on Petition for Review issued on June 21, 2016.

On July 5, 2016, Employee filed a Petition for Review of Agency Decision with the District of Columbia Superior Court, Civil Division contesting the ID and the OEA Petition for Review. On December 2, 2020, the District of Columbia Court of Appeals issued an Opinion and Judgment reversing the District of Columbia Superior Court's decision denying Employee's Petition for Judicial Review; vacating the OEA's order dismissing Employee's claims for lack of jurisdiction; and remanding this matter to the OEA for further proceedings consistent with the Court of Appeals' Opinion and Judgment.

When this matter was first remanded to the Undersigned, it was then slated for a Status Conference in December 2020. It was during this initial period that it was first disclosed to the OEA that Employee had passed away while her matter was pending before the District of Columbia Court of Appeals. Since this matter has been remanded to the Undersigned, numerous Status Conferences have been held to update the posture of the pending formation of Employee's erstwhile estate. At each juncture, Employee (through her *pro bono* counsel) continued to request additional time to allow for Employee's heirs to legally form an estate for her final affairs. According to paperwork first filed with the OEA on August 10, 2021, Employee's son was able to form an Estate for his mother ("the Estate"). With this, the Agency and Employee's Estate were able to consummate a settlement of the instant matter. On September 15, 2022, the Estate filed an executed notice with the OEA that notes that it wants to voluntarily dismiss this matter with prejudice. After reviewing documents of record, I find that no further proceedings are warranted. The record is now 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.

ANALYSIS AND CONCLUSION

Since Employee's Estate voluntarily withdrew her petition for appeal, I find that the Petition for Appeal should be dismissed.

ORDER

Based on the foregoing, it is hereby ORDERED that the above-captioned Petition for Appeal be dismissed.

FOR THE OFFICE:

/s/ Eric T. Robinson
Eric T. Robinson, Esq.
Senior Administrative Judge