

THE DISTRICT OF COLUMBIA

BEFORE

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:)
)
Phillippa Mezile) OEA Matter No. 2401-0158-09R12C17
Employee)
) Date of Issuance: January 6, 2017
v.)
) Senior Administrative Judge
D.C. Department on Disability Services) Joseph E. Lim, Esq.
Agency)

Andrea Comentale, Esq., Agency Representative
David Branch, Esq., Employee Representative

ADDENDUM DECISION ON COMPLIANCE

INTRODUCTION AND PROCEDURAL HISTORY

On July 10, 2009, Phillipa Mezile (“Employee”) filed a petition for appeal with the Office of Employee Appeals (“the OEA” or “the Office”) contesting the Department on Disability Services’ (“Agency”) action of terminating her employment through a Reduction-in-Force (“RIF”). The effective date of the RIF was June 12, 2009. Employee’s position of record at the time her position was abolished was a Public Affairs Specialist, DS-1035-13/10. Employee was serving in Career Service status at the time she was terminated.

On April 2, 2010, I issued an Initial Decision (“ID”) upholding the RIF.¹ Employee appealed the decision, and on February 2, 2012, the Superior Court of the District of Columbia remanded the matter back to this Office for further findings pursuant to the issues it discussed.²

On October 10, 2012, I issued an Initial Decision on Remand wherein I held that Employee’s RIF was proper but that she did not get her required thirty-day notice.³ I then ordered Agency to reimburse Employee four (4) days pay and benefits commensurate with her last position of record. This decision became final thirty-five days later.

¹ *Mezile v. D.C. Department on Disability Services*, OEA Matter No. 2401-0158-09 (April 2, 2010).

² See *Mezile v. D.C. Department on Disability Services*, No. 2010 CA 004111 (D.C. Super. Ct. February 2, 2012).

³ *Mezile v. D.C. Department on Disability Services*, OEA Matter No. 2401-0158-09R12 (October 10, 2012).

On November 14, 2016, Employee filed a request for compliance with the IDR, complaining that to date, Agency had failed to comply with the IDR. On November 16, 2016, I issued an order for Agency to respond to Employee's motion. Agency requested time to comply. On January 4, 2017, Agency submitted personnel documents to prove that it had finally complied with the IDR by sending a check to Employee's address of record. The record is closed.

JURISDICTION

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

ISSUE

Whether the motion for compliance should be dismissed.

ANALYSIS AND CONCLUSION

Since the agency has complied with this Office's decision, Employee's motion for compliance is dismissed.

ORDER

It is hereby ORDERED that the petition in this matter is dismissed.

FOR THE OFFICE:

JOSEPH E. LIM, ESQ.
Senior Administrative Judge