

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:)	
)	
EMPLOYEE, ¹)	OEA Matter No. 1601-0022-21C24
)	
v.)	Date of Issuance: April 7, 2025
)	
DISTRICT OF COLUMBIA OFFICE OF)	Monica Dohnji, Esq.
UNIFIED COMMUNICATIONS,)	Senior Administrative Judge
Agency)	
)	
Employee, <i>Pro Se</i>		
Connor Finch, Esq., Agency's Representative		

ADDENDUM DECISION ON COMPLIANCE

INTRODUCTION AND PROCEDURAL HISTORY

On April 9, 2021, Employee filed a Petition for Appeal with the D.C. Office of Employee Appeals ("OEA" or "Office") contesting the District of Columbia Office of Unified Communications' ("OUC" or "Agency") decision to terminate her from her position as a Telephone Equipment Operator ("TEO"), effective March 12, 2021. Employee was terminated pursuant to District of Columbia Municipal Regulation ("DCMR") 6B DCMR §§ 435.6² and 1605.4(h).³ Following an Evidentiary Hearing, the undersigned issued an Initial Decision ("ID") on July 25, 2022, reversing Agency's decision to terminate Employee.

Agency filed a Petition for Review with the OEA Board on August 29, 2022. The OEA Board issued an Opinion and Order on Petition for Review on November 17, 2022, denying

¹ Employee's name was removed from this decision for the purposes of publication on the Office of Employee Appeals' website.

² 6B DCMR § 435.6: In accordance with Section 428, a positive drug or alcohol test shall render an individual unsuitable for District employment and constitute cause for purposes of Chapter 16 of these regulations.

Pursuant to 6B DCMR § 428.1, Unless otherwise required by law, and notwithstanding Subsection 400.4, an employee shall be deemed unsuitable and there shall be cause to separate an employee from a covered position as described in Subsections 435.9 and 439.3 for: (1) A positive drug or alcohol test result.

³ 6B DCMR §1605.4(h): Unlawful possession of a controlled substance or paraphernalia or testing positive for an unlawful controlled substance while on duty.

Agency's Petition for Review. Subsequently, Agency appealed the OEA Board's decision to the Superior Court of the District of Columbia ("DC Sup. Ct."). On October 30, 2023, the DC Sup. Ct. issued an Order and Opinion denying Agency's Petition for Review and affirmed the July 25, 2022, ID. Agency did not appeal the October 30, 2023, Order from the DC Sup. Ct., accordingly, this became the final decision in this matter.

On December 8, 2023, Employee submitted a letter to this Office requesting the next step. This letter was considered by OEA as a Motion for Compliance and Enforcement. Thereafter, the matter was reassigned to the undersigned to address the pending compliance issues. On December 28, 2023, the undersigned issued an Order convening a Status Conference for January 31, 2024. Agency filed a Compliance Statement on January 2, 2024, requesting that Employee's Motion for Compliance and Enforcement be temporarily held in abeyance while Agency made efforts to comply with the ID. Both parties were present at the scheduled January 31, 2024, Status Conference. During the Status Conference, the parties requested additional time to comply with the ID. Therefore, on January 31, 2024, the undersigned issued an Order requiring the parties to provide written status update to the undersigned by March 15, 2024.

Subsequently, on March 15, 2024, Agency filed a Compliance Statement noting that Agency planned to fully resolve this matter, but full compliance would require approval from other agencies. Accordingly, Agency's request was granted in an Order dated March 22, 2024, and Agency was required to provide the undersigned with a written status update on compliance by May 1, 2024. Thereafter on May 1, 2024, Agency submitted its Compliance Status Report, requesting that a further status update be scheduled for July 1, 2024. This request was granted in an Order dated May 6, 2024, and Agency's status update was due on July 1, 2024.

On July 8, 2024, Agency submitted another Compliance Status Report requesting until August 2, 2024, to provide the undersigned with another status update. This request was granted in an Order dated July 9, 2024, and Agency's status update was now due by August 2, 2024. Subsequently, on August 9, 2024, Agency filed its Compliance Status Report, requesting that a subsequent status update be scheduled for September 20, 2024. This request was granted in an Order dated August 13, 2024. On September 20, 2024, Agency filed another Compliance Status Report, requesting until October 4, 2024, to provide another status update. This request was granted in an Order dated September 30, 2024, wherein, Agency was required to file a written Status Update by October 18, 2024.

On October 18, 2024, Agency filed another Compliance Status Report noting that the back pay process was pending before the District of Columbia Department of Human Resources ("DCHR"). Agency cited that it would continue to work with DCHR to complete the compliance process. This request was granted in an Order dated October 29, 2024, and Agency was required to submit a Status Report by November 18, 2024. Agency filed its Compliance Status Report as required noting that "the Pay Specialist and PeopleSoft Specialist completed all necessary tasks on November 13, 2024. Following legal review by DCHR, the matter may be referred to payroll for supplemental pay processing." Accordingly, I issued an Order dated December 3, 2025, which required Agency to file a written Status Update by January 10, 2025.

Agency filed its Compliance Status Report on January 10, 2025, noting that "... the back pay package has been transmitted to OPRS for processing and payment." As a result of this update, I issued an Order on February 5, 2025, which required Agency to file another Status Update by March 21, 2025. Agency filed a Status Report on March 21, 2025, noting that "[o]n March 19, 2025, the undersigned received information that payment to Employee would be issued the next day, March 20, 2025. It is Agency's belief that issuance of back pay was the only remaining issue. Once Employee receives the payment, Agency will be in full compliance with the ID." In an email exchange between the undersigned and the parties, dated March 27, 2025, Employee confirmed receipt of her backpay payment.⁴ 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 Employee's December 23, 2023, request for compliance should be dismissed.

ANALYSIS AND CONCLUSIONS OF LAW

In the instant matter, since Employee has resigned from Agency, and has received her backpay, I find that Agency has fully complied with the July 25, 2022, ID. Consequently, I further find that Employee's December 23, 2023, request for compliance has been resolved and should be dismissed.

ORDER

It is hereby ORDERED that the December 23, 2023, request for compliance in this matter is DISMISSED.

FOR THE OFFICE:

/s/ Monica N. Dohnji

MONICA DOHNJI, Esq.
Senior Administrative Judge

⁴ This email exchange is admitted into the record as filed.