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

|                              |   |                                 |
|------------------------------|---|---------------------------------|
| _____                        | ) |                                 |
| In the Matter of:            | ) |                                 |
|                              | ) |                                 |
| ISHEL BLALOCK,               | ) |                                 |
| Employee                     | ) | OEA Matter No. J-0045-15AF17    |
|                              | ) |                                 |
| v.                           | ) | Date of Issuance: June 21, 2017 |
|                              | ) |                                 |
| OFFICE OF THE STATE          | ) |                                 |
| SUPERINTENDENT OF EDUCATION, | ) | Monica Dohnji, Esq.             |
| Agency                       | ) | Senior Administrative Judge     |
| _____                        | ) |                                 |

Neil B. Katz, Esq., Employee Representative  
Hillary Hoffman-Peak, Esq., Agency's Representative

**ADDENDUM DECISION ON ATTORNEY FEES**

**INTRODUCTION AND PROCEDURAL BACKGROUND**

On February 24, 2015, Ishel Blalock ("Employee") filed a Petition for Appeal with the D.C. Office of Employee Appeals ("OEA" or "Office") contesting the Office of the State Superintendent of Education's ("OSSE" or "Agency") decision to terminate her from her position as a Bus Attendant, effective January 23, 2015. Employee was charged with refusal to submit to a drug test or breathalyzer (penalty of termination,<sup>1</sup>) and any other on-duty or employment related reason for corrective or adverse action that is not arbitrary or capricious.<sup>2</sup> Agency filed its Answer in response to Employee's Petition for Appeal on March 30, 2015.

This matter was assigned to the undersigned Administrative Judge ("AJ") on March 3, 2015. On September 28, 2016, I issued an Initial Decision ("ID"), reversing Agency's decision to terminate Employee. On December 2, 2016, Employee's attorney filed a Petition for Attorney's Fees and Costs. Subsequently, on December 20, 2016, Agency submitted a Request for a Fifteen (15) Day Extension to Respond to Petition for Attorney's Fees and Costs wherein, it stated that the parties would try and reach a settlement agreement in this matter. On June 20, 2017, upon

<sup>1</sup> 6B District of Columbia Municipal Regulations ("DCMR") § 3907.1.

<sup>2</sup> 6B DCMR 1603.3(g). Employee received a penalty of fifteen (15) days suspension. She did not appealing this charge.

inquiry from the undersigned AJ about the status of the negotiations, Agency's representative informed the undersigned AJ via email that the parties had reached a settlement in this matter. Agency's representative attached a copy of the executed settlement agreement between the parties to her email.<sup>3</sup> 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 Petition for Attorney's Fees and Costs should be dismissed.

ANALYSIS AND CONCLUSIONS OF LAW

D.C. Official Code §1-606.06(b) (2001) states in pertinent part that:

If the parties agree to a settlement without a decision on the merits of the case, a settlement agreement, prepared and signed by all parties, shall constitute the final and binding resolution of the appeal, and the [Administrative Judge] shall dismiss the appeal with prejudice.

In the instant matter, since the parties have agreed and executed a settlement agreement, I find that Employee's Petition for Attorney's Fees and Costs is dismissed.

ORDER

It is hereby ORDERED that the Petition for Attorney's Fees and Costs in this matter is DISMISSED.

FOR THE OFFICE:

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MONICA DOHNJI, Esq.  
Senior Administrative Judge

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<sup>3</sup> See Agency's Settlement for Attorney's Fees and Costs.