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THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	
)	
KHADIJAH MUHAMMAD)	OEA Matter No. 1601-0033-07AF11R14
Employee)	
)	Date of Issuance: September 29, 2014
)	
DISTRICT OF COLUMBIA GOVERNMENT)	Lois Hochhauser, Esq.
OPERATIONS DIVISION)	Administrative Judge
Agency)	
_____)	
Andrea Comentale, Esq. Agency Representative)	
Ronald Colbert, Esq., Employee Representative)	

ADDENDUM DECISION ON ATTORNEY FEES FOLLOWING REMAND

INTRODUCTION AND STATEMENT OF FACTS

On March 19, 2008, following an evidentiary hearing, I issued an Initial Decision in which, in pertinent part, I reversed the decision of Agency to terminate the employment of Khadijah Muhammad, Employee. Agency filed a Petition for Review with this Board seeking a reversal of the Initial Decision. On March 1, 2010, the Board issued an Opinion and Order affirming the Initial Decision. On March 21, 2010, Agency filed a petition with the Superior Court of the District of Columbia seeking review of the Board’s decision, but withdrew its appeal in September 2010.

Employee, through counsel, filed multiple requests for fees, damages and compliance. Following a status conference on April 20, 2012, the matter was referred to mediation on the issue of attorney fees. Compliance issues were resolved and Employee withdrew her request for the award of damages, leaving only the issue of attorney fees to be resolved. Following the submission of briefs, oral argument was held on August 16, 2012 at which time the record was closed.

The Addendum Decision on Attorney Fees was issued on September 6, 2012. Agency sought review of that Decision by this Board. On March 4, 2014, the Board issued its Opinion and Order on Attorney Fees in which, in pertinent part, it remanded the matter to the undersigned for “consideration of the number of hours expended by Employee’s attorney on the appeal.”

An Order was issued scheduling a status conference for June 16, 2014. On June 13, 2014, the parties filed a consent motion, asking that the status conference be cancelled because they were in the process of completing a settlement agreement which would resolve all issues related to attorney fees. On June 24, 2014, I issued an Order granting the request and directing the parties to submit the agreement and/or file a request to dismiss this matter by July 18, 2014. On September 5, 2014, Employee filed a request to dismiss her request for attorney fees. She attached a copy of the Settlement Agreement executed by the parties to her request. The record closed on that date.

JURISDICTION

The Office has jurisdiction in this matter pursuant to D.C. Official Code §1-606.3 (2001).

ISSUE

Should this matter be dismissed based on the resolution of the parties?

FINDINGS OF FACT, ANALYSIS AND CONCLUSIONS

Employee, through her representative, filed a request on September 5, 2014, asking that her request for attorney fees, which is the subject of this remand, be dismissed based on the settlement of all issued by the parties. Earlier submissions support the conclusion that that the parties have resolved this matter and that a Settlement Agreement has been executed. The Administrative Judge concludes that the request should be granted and that this petition matter be dismissed. The Administrative Judge commends the parties on their successful resolution of this matter.

Based on the successful resolution by the parties of all matters related to the issue of attorney fees, the subject of the Board's remand, the Administrative Judge concludes that Employee's request to dismiss her initial requests for the award of fees be granted, and that this matter should be dismissed.

ORDER

It is hereby

ORDERED: This matter is dismissed.

FOR THE OFFICE:

LOIS HOCHHAUSER, ESQ.
Administrative Judge