

Notice: This decision may be formally revised before it is published in the *District of Columbia Register*. 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:	)	
	)	
ROBERT ARONSON,	)	
Employee	)	
	)	OEA Matter No.: 1601-0128-99
v.	)	
	)	Date of Issuance: January 25, 2010
D.C. FIRE & EMERGENCY MEDICAL	)	
SERVICES DEPARTMENT,	)	
Agency	)	
_____	)	

**OPINION AND ORDER**  
**ON**  
**PETITION FOR REVIEW**

Robert Aronson (“Employee”) worked as an Emergency Medical Technician/Paramedic for the D.C. Fire and Emergency Medical Services Department. Employee was removed from his position on May 8, 1999 based on charges of misuse of District property and inexcusable neglect of duty. Agency alleged that Employee violated Agency protocol when he drove Medic 18, an advance life support unit, to Virginia to pick up a prescription at Potomac Yards mall after responding to a call.

On May 28, 1999, Employee filed a Petition for Appeal with the Office of Employee Appeals (“OEA”). In an Initial Decision issued December 1, 2009, the AJ held that Employee misused a government vehicle and neglected his duty by failing to return the vehicle to

headquarters.<sup>1</sup> The AJ ordered Agency to reduce Employee's penalty from removal to a sixty (60) day suspension.<sup>2</sup>

Agency then filed a Petition for Review on September 21, 2004, challenging the AJ's decision to modify the penalty. The Board upheld the Initial Decision in an Opinion and Order on Petition for Review issued on January 26, 2007. Agency filed an appeal with the Superior Court of the District of Columbia.<sup>3</sup> On April 22, 2008, the Court issued an Order affirming the Board's January 26, 2007 opinion. Agency subsequently appealed to the District of Columbia Court of Appeals. On August 13, 2008, the Court granted Agency's consent motion to withdraw its appeal.

On December 15, 2008, Employee sent a letter to Agency proposing a settlement of his monetary losses. Agency did not respond to the letter. On March 3, 2009, Employee filed a Motion to Schedule a Hearing on Damages, Attorneys' Fees and All Other Relief. The parties entered into settlement negotiations with the assistance of a mediator; however, they were unable to reach an agreement.

On December 1, 2009, the AJ mistakenly closed the record and dismissed Employee's appeal.<sup>4</sup> The AJ believed that she was ruling on a consent motion to dismiss filed by Employee on August 18, 2008 with this Office. The motion; however, had been filed with the Court of Appeals.

On December 30, 2009, Employee filed a Petition for Review. Employee asks the Board to vacate the December 1, 2009 decision in order to schedule this matter for a hearing to determine the amount of pack pay, benefits and attorneys' fees to which Employee is entitled.

---

<sup>1</sup> *Initial Decision* at p. 2 (December 1, 2009).

<sup>2</sup> *Id.*

<sup>3</sup> *District of Columbia Fire & Emergency Medical Services Department v. Office of Employee Appeals*, Civil Action No. 2007 CA 001623 P (MPA).

<sup>4</sup> *Initial Decision* (December 1, 2009).

Both the AJ and the parties have indicated that this matter has yet to be settled and Employee has not consented to the dismissal of his appeal with OEA.<sup>5</sup> Since the record was erroneously closed, the Board therefore grants Employee's Petition for Review and remands this matter to the AJ for proceedings consistent with this opinion.

---

<sup>5</sup> *Petition for Review* at p. 3 (December 30, 2009); Note to the File Regarding Procedural History (January 11, 2010).

**ORDER**

Accordingly, it is hereby **ORDERED** that Employee's Petition for Review is **GRANTED** and this appeal is **REMANDED**.

FOR THE BOARD:

\_\_\_\_\_  
Sherri Beatty-Arthur, Chair

\_\_\_\_\_  
Barbara D. Morgan

\_\_\_\_\_  
Richard F. Johns

\_\_\_\_\_  
Hilary Cairns

\_\_\_\_\_  
Clarence Labor, Jr.

The Initial Decision in this matter shall become a final decision of the Office of Employee Appeals 5 days after the issuance date of this order. An appeal from a final decision of the Office of Employee Appeals may be taken to the Superior Court of the District of Columbia within 30 days after the formal notice of the decision or order sought to be reviewed.