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THE DISTRICT OF COLUMBIA

BEFORE

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:)	
)	
EMPLOYEE,)	OEA Matter No. 1601-0005-21C22
)	
v.)	Date of Issuance: November 6, 2023
)	
D.C. DEPARTMENT OF GENERAL SERVICES)	Joseph E. Lim, Esq.
Agency)	Senior Administrative Judge
)	
)	

Michael Goldstein, Esq., Employee Representative
C. Vaughn Adams, Esq., Agency Representative

ADDENDUM DECISION ON COMPLIANCE

PROCEDURAL BACKGROUND

On December 7, 2020, Employee, a former Special Police Officer, at the District of Columbia Department of General Services (“Agency” or “DGS”), filed a Petition for Appeal, challenging the termination of his employment due to Conduct Prejudicial to the District Government and Neglect of Duty. Pursuant to a letter issued by OEA on January 12, 2021, Agency filed its Answer on March 30, 2021, along with a Motion for Extension of Time. This matter was initially assigned to Administrative Judge Arien Cannon (“AJ Cannon”) on October 1, 2021. On June 24, 2022, AJ Cannon issued an Initial Decision (“ID”) which found that Agency's violation of the mandatory 90-Day Rule warranted reversal of Employee's termination. The ID reversed Agency’s action and ordered it to reinstate Employee to his last position of record and to reimburse Employee all back-pay and benefits lost as a result of Agency’s action. On July 29, 2022, the ID became final.

On August 22, 2022, Employee filed a Motion for Compliance, complaining that Agency had failed to abide by the ID. At the time of this Motion, since AJ Cannon was no longer in OEA’s employ, this matter was reassigned to me on October 7, 2022. On October 5, 2022, I issued an Order and ordered Agency to respond to Employee’s Motion. Agency responded that while it had reinstated Employee to his prior position, it takes time to calculate and process backpay. Agency submitted a Status Report on its progress on July 14, 2023. On July 25, 2023, it submitted its detailed calculations on Employee’s backpay less payroll taxes and monies

necessary to restore his benefits, along with supporting documents. Employee received a final payout of \$65,543.39 on July 1, 2023. There have been no subsequent submissions by either party. Further, I have determined that an Evidentiary Hearing was not warranted in this matter. 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 the Motion for Compliance should be dismissed.

ANALYSIS AND CONCLUSIONS

Agency placed Employee back on the payroll to his last position of record effective September 25, 2022, and paid his back pay and benefits from the date of his termination to July 1, 2023.¹ Employee also chose Option A which fully restored his benefits.² My review of the record indicates that Agency has fully complied with the ID, and thus, Employee's Motion for Compliance is dismissed.

ORDER

Based on the foregoing, it is hereby ORDERED Employee's Motion for Compliance is DISMISSED.

FOR THE OFFICE:

s/ Joseph Lim

Joseph E. Lim, Esq.

Senior Administrative Judge

1 Employee paystub ending July 1, 2023.

2 Agency Settlement Packet.