

THE DISTRICT OF COLUMBIA

BEFORE

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:)
)
WANDA HOSTON) OEA Matter No. 1601-0022-04
Employee)
)
v.) Date of Issuance: January 24, 2008
)
D.C. PUBLIC SCHOOLS) Muriel A. Aikens-Arnold
Agency) Administrative Judge

Debra D'Agostino, Esq., Employee's Representative
Harriet Segar, Esq., Office of the General Counsel

ADDENDUM DECISION ON COMPLIANCE

INTRODUCTION AND FINDINGS OF FACT

On January 26, 2007, an *Opinion an Order On Petition For Review* was issued affirming this Judge's Initial Decision (ID) to reinstate Employee.¹ On May 18, 2007, Employee filed a Motion For Enforcement of Final Decision which stated, *inter alia*, that Employee returned to work on April 23, 2007; however, she had not received back pay and benefits. On May 21, 2007, Agency was directed to respond thereto, no later than June 8, 2007. Agency responded stating that the review process had not been completed; and requested additional time to credit Employee's leave and to compute and generate a check for back pay.

On October 9, 2007, Agency was directed to submit documents verifying its compliance with the final decision of this Office by October 17, 2007. When no response was received, this Judge contacted Agency's representative to determine the status of this matter. On November 1, 2007, Agency's representative submitted various documents reflecting personnel actions processed and approved on that date with the expectation that the back pay check would be issued within approximately thirty (30) days. On December 20, 2007, after further inquiries by this Judge, Agency's representative advised that the pertinent documents had been approved and

¹ Employee, a Social Worker, had appealed her termination for incompetence due to her inability or failure to perform her duties satisfactorily. An ID was issued on 4/7/05 reversing Agency's action and reinstating Employee with lost wages and benefits.

signed, by the Chief Financial Officer, on December 12, 2007, and forwarded to the Office of Pay and Retirement for disbursement. The record in this matter is closed.

JURISDICTION

This Office has jurisdiction in this matter pursuant to D.C. Official Code, §1-606.03 (2001).

ISSUE

Whether this compliance matter may now be dismissed.

ANALYSIS AND CONCLUSIONS

OEA Rule 636.7, 46 D.C. Reg. at 9322, states that in a compliance matter, the Administrative Judge “shall take all necessary action to determine whether the final decision is being complied with and shall issue a written opinion on the matter.” If the Administrative Judge determines that the agency has not complied with the final decision, the matter shall be certified to the General Counsel for further action to ensure compliance.²

Compliance with the final decision for an unjustified personnel action includes the payment of wages lost and restoration of employment benefits to which the employee is entitled. The evidence of record reflects, and this Judge concludes, that Agency compliance with the final decision has been achieved. Therefore, this matter may now be dismissed.

ORDER

It is hereby ORDERED that the matter is DISMISSED.

FOR THE OFFICE:

MURIEL A. AIKENS-ARNOLD, ESQ.
Administrative Judge

² See OEA Rule 636.8.