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THE DISTRICT OF COLUMBIA

BEFORE

THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	
)	
WILLIE BENNETT,)	
Employee)	OEA Matter No.: 2401-0002-11-C13
)	
v.)	Date of Issuance: March 6, 2014
)	
DISTRICT OF COLUMBIA)	
PUBLIC SCHOOLS,)	STEPHANIE N. HARRIS, Esq.
Agency)	Administrative Judge
_____)	
Willie Bennett, Employee <i>Pro Se</i>		
Sara White, Esq., Agency Representative		

ADDENDUM DECISION ON COMPLIANCE

INTRODUCTION AND PROCEDURAL BACKGROUND

On October 10, 2010, Willie Bennett (“Employee”) filed a Petition for Appeal with the Office of Employee Appeals (“OEA” or “Office”) contesting the District of Columbia Public Schools’ (“Agency” or “DCPS”) action of abolishing his position through a Reduction-in-Force (“RIF”). Employee was a Program Coordinator in Career Service status at the time of the instant RIF. Employee’s RIF Notice was dated July 30, 2010, with an effective date of September 4, 2010. Agency filed its Answer in response to Employee’s Petition for Appeal on November 8, 2010.

The undersigned Administrative Judge (“AJ”) issued an Initial Decision on March 22, 2013 (“March 22nd Initial Decision”), upholding Agency’s action of abolishing Employee’s position via the instant RIF. The undersigned also found that Agency failed to provide Employee with thirty (30) days notice and ordered Agency to reimburse Employee thirty (30) days pay and benefits commensurate with his last position of record.

Subsequently, on August 21, 2013, Employee submitted a letter alleging that Agency had not complied with the March 22nd Initial Decision to reimburse him thirty (30) days back pay and benefits. Employee further requested that OEA look into Agency’s lack of compliance.

I was reassigned this matter in September 2013. In an October 15, 2013 Order, Agency was ordered to submit a brief addressing Employee’s request for compliance. Specifically, Agency was

ordered to address what steps, if any, have been taken and to explain any delay that may have occurred in regards to compliance in this matter. Agency's brief was due on or before October 30, 2013; however, Agency failed to submit its brief by the prescribed deadline. On November 5, 2013, the undersigned issued an Order for Statement of Good Cause, directing Agency to explain its failure to submit its brief by the prescribed deadline. Agency submitted its Statement of Good Cause and its brief on November 19, 2013. In its brief, Agency stated that it had been in contact with the Chief Financial Officer to expedite Employee's payment of back pay and benefits.

Telephonic Status Conferences were held on January 23, 2014 and February 24, 2014 to assess the status of Employee's payment of back pay and benefits. After reviewing the record, I have determined that no further proceedings in this matter are warranted. The record is now closed.

JURISDICTION

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

ISSUE

Whether Agency was in compliance with the March 22, 2013 Initial Decision.

ANALYSIS AND CONCLUSIONS OF LAW

A Telephonic Status Conference was held on January 23, 2014 to assess the status of Employee's payment of back pay and benefits. During this Status Conference, Agency relayed that Employee's payment would be processed within the coming week. A follow up Telephonic Status Conference was held on February 24, 2014 to determine whether Employee had received payment. During this Status Conference, Employee relayed that he had received full payment and would send written notification to the undersigned. On February 24, 2014, Employee submitted a statement explaining that he had received his payment from Agency on January 31, 2014, in compliance with the March 22nd Initial Decision.

Based on the successful resolution of all issues as expressed in the statement submitted on February 24, 2014, including Employee's reimbursement of thirty (30) days back pay and benefits, the undersigned concludes that Employee's Motion for Compliance should be dismissed.

ORDER

Based on these findings and conclusions, and consistent with this analysis, it is hereby **ORDERED** that Employee's Motion for Compliance is **DISMISSED**.

FOR THE OFFICE:

STEPHANIE N. HARRIS, Esq.
Administrative Judge