

THE DISTRICT OF COLUMBIA

BEFORE

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:)	
)	
Karen Loeschner)	OEA Matter No. 1601-0415-10AF14
Employee)	
)	Date of Issuance: April 17, 2015
v.)	
)	Joseph E. Lim, Esq.
D.C. Public Schools)	Senior Administrative Judge
Agency)	
)	

Cynthia Goode Works, Esq., Employee Representative
Sara White, Esq., Agency Representative

ADDENDUM DECISION ON ATTORNEY FEES

PROCEDURAL BACKGROUND

On September 10, 2010, Employee, a former Literacy Coach, pay grade ET-15, at Agency (“D.C. Public Schools” or “DCPS”) McKinley Technology High School, filed a petition for appeal, challenging the termination of her employment due to excessing. On December 14, 2012, I issued an Initial Decision (“ID”) which found that Employee was in permanent status at the time of removal and was removed without cause. Thus I reversed Agency’s action and ordered it to reinstate Employee to her last position of record to be provided with the options available to excessed permanent employees; and to reimburse Employee all back-pay and benefits lost as a result of Agency’s action. The ID became final 35 calendar days later on January 18, 2013.

On February 12, 2013, Employee filed a motion for compliance, complaining that Agency had failed to abide by the ID. Sometime after on or around June 2013, Employee hired Cynthia Goode Works, Esq., to represent her. After two status conferences and Employee’s signed statement indicating that she would no longer pursue the issue of sick leave benefits, I issued a Compliance Decision on January 14, 2014, indicating that Agency has complied. Employee had chosen Agency’s buyout offer that was offered to excessed permanent employees.

On December 23, 2013, Employee submitted her petition for attorney fees. Agency has responded. Subsequently, the parties engaged in settlement talks. On April 15, 2015, Employee’s counsel informed the undersigned that they had settled the attorney fee matter and emailed a copy of said agreement. The record is closed.

JURISDICTION

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

ISSUE

Whether the attorney fee petition should be dismissed.

FINDINGS OF FACT, ANALYSIS AND CONCLUSIONS

In accordance with OEA Rule 619.2(g), 59 DCR 2129 (March 16, 2012), an Administrative Judge may dismiss a case “based on a settlement agreement reached by the parties”. The documents submitted by the parties clearly state that the matter was settled and that Employee seeks to withdraw her motion and have her petition for attorney fees dismissed.

The Administrative Judge commends the parties on their successful resolution of this matter.

ORDER

Based on their signed settlement, it is hereby ORDERED that Employee’s motion for attorney fees is dismissed with prejudice.

FOR THE OFFICE:

JOSEPH E. LIM, ESQ.
Senior Administrative Judge