

Notice: This decision may be formally revised before it is published in the District of Columbia Register and the Office of Employee Appeals' website. 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:)	
)	OEA Matter No.: 1601-0129-11R16C17
SHEENA WASHINGTON,)	OEA Matter No.: 1601-0129-11R16AF17
Employee)	
)	Date of Issuance: December 22, 2017
v.)	
)	
DISTRICT OF COLUMBIA)	
PUBLIC SCHOOL SYSTEM,)	
DEPARTMENT OF TRANSPORTATION,)	
Agency)	MONICA DOHNJI, Esq.
_____)	Senior Administrative Judge
Denise Clark, Esq., Employee Representative		
Hillary Hoffman-Peak, Esq., Agency Representative		

ADDENDUM DECISION ON COMPLIANCE
ADDENDUM DECISION ON ATTORNEY FEES

INTRODUCTION AND PROCEDURAL BACKGROUND

On July 12, 2011, Sheena Washington (“Employee”) filed a Petition for Appeal with the Office of Employee Appeals (“OEA”) contesting the District of Columbia School Systems’ (Department of Transportation)¹ (“Agency”) action of terminating her employment as a Motor Vehicle Operator (“Bus Driver”). Agency’s notice informed Employee that she was being separated from service based on Agency’s determination that she had failed to maintain District required driving credentials. Employee’s termination was effective March 11, 2008.

This matter was initially assigned to former Administrative Judge (“AJ”) Murphy. She held an Evidentiary Hearing on June 6, 2013. On October 15, 2013, AJ Murphy issued an Initial Decision (“ID”) in this matter wherein, Agency’s action was upheld. Employee appealed the AJ’s ID to the District of Columbia Superior Court, which upheld the AJ’s ID. Thereafter, Employee appealed the Superior Court’s ruling to the District of Columbia Court of Appeals. On February 8, 2016, the D.C. Court of Appeals vacated the judgment and remanded the matter for the Superior Court to remand the case to OEA for further proceedings. Following former AJ Murphy’s promotion to Deputy General Counsel for OEA, this matter was reassigned to the undersigned Senior AJ. Following several status conferences and briefs submissions, on July 18, 2016, I issued an Initial Decision on Remand reversing Agency’s decision to terminate Employee.

¹ DCPS (DOT) is now the Office of the State Superintendent of Education (“OSSE”).

Subsequently, Employee's Attorney filed a request for backpay and attorney's fees. After several email correspondence between the undersigned and the parties, on November 9, 2017, Employee's representative emailed a copy of a Motion for Entry of Judgement Resolving Damages, and Attorney's Fees, and an executed Confidential Settlement Agreement signed by both parties on October 19, 2017.

On December 19, 2017, a Status Conference was held in this matter, wherein, I informed the parties that this matter will be dismissed because the parties had signed an executed settlement agreement on October 19, 2017. 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 Employee's motion for damages and attorney's fees should be dismissed.

ANALYSIS AND CONCLUSIONS OF LAW

D.C. Official Code §1-606.06(b) (2001) states in pertinent part that:

If the parties agree to a settlement without a decision on the merits of the case, a settlement agreement, prepared and signed by all parties, shall constitute the final and binding resolution of the appeal, and the [Administrative Judge] shall dismiss the appeal with prejudice.

In the instant matter, Employee's representative emailed an executed settlement agreement in this matter dated October 19, 2017, wherein, the parties agreed to settle this matter. Since the parties have agreed and executed a settlement agreement, the motion for damages and attorney's fees is DISMISSED.

ORDER

Based on the foregoing, it is hereby ORDERED that the motion in this matter is DISMISSED.

FOR THE OFFICE:

MONICA DOHNJI, Esq.
Senior Administrative Judge