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THE DISTRICT OF COLUMBIA

BEFORE

THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	
)	OEA Matter No.: 1601-0171-13AF16
DEVARNITA WILLIAMS,)	
Employee)	
)	Date of Issuance: May 26, 2017
v.)	
)	Michelle R. Harris, Esq.
DISTRICT OF COLUMBIA)	Administrative Judge
PUBLIC SCHOOLS,)	
Agency)	
_____)	
Kelly Burchell, Esq., Employee Representative)	
Carl K. Turpin, Esq., Agency Representative)	

ADDENDUM DECISION ON ATTORNEY FEES

INTRODUCTION AND PROCEDURAL BACKGROUND

On September 30, 2013, Devarnita Williams (“Employee”) filed a Petition for Appeal with the Office of Employee Appeals (“Office” or “OEA”) contesting the District of Columbia Public Schools’ (“Agency” or “DCPS”) decision to terminate her from service, effective August 30, 2013. Following the submission of Agency’s Answer on November 15, 2014, Employee filed a Motion for Summary Judgment. The matter was assigned to Senior Administrative Judge Monica Dohnji (“AJ Dohnji”) on or about June 4, 2014. On February 6, 2015, AJ Dohnji issued an Initial Decision granting Employee’s Motion for Summary Judgment and reversing Agency’s decision to terminate Employee. AJ Dohnji ordered that Employee be reinstated and awarded back pay and any benefits lost as a result of the termination. On March 13, 2015, Agency filed a Petition for Review with the OEA Board.

On June 21, 2016, the OEA Board issued an *Opinion and Order* denying Agency’s Petition for Review. Subsequently, on August 17, 2016, Employee filed a Motion for Attorney Fees. On September 2, 2016, AJ Dohnji issued an Addendum Decision on Attorney Fees dismissing Employee’s Motion without prejudice, citing that Agency had appealed the OEA Board’s decision to D.C. Superior Court on July 21, 2016, and that matter was still pending at

the time of filing of the Motion for Attorney Fees. On January 5, 2017, Agency withdrew its Petition for Review of Agency Decision in D.C. Superior Court.

On March 24, 2017, Employee filed a Praecipe at OEA regarding a renewed Motion for Attorney Fees in this matter. Employee's counsel cited that she renewed the petition by letter on February 2, 2017, and since that time Agency had not filed any opposition to the petition. The instant matter was assigned to the undersigned AJ on April 5, 2017. On April 21, 2017, I issued an Order requiring Agency to address Employee's Motion for Attorney Fees. Agency had until May 5, 2017, to respond. On May 5, 2017, Agency submitted its response indicating that the parties had settled the matter regarding attorney fees. Agency included a copy of the settlement agreement executed by the parties on April 27, 2017.

JURISDICTION

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

ISSUE

Whether Employee's Petition for Attorney Fees should be dismissed as a result of a settlement agreement.

ANALYSIS AND CONCLUSION

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.

On May 5, 2017, Agency filed a response with OEA that included a copy of the settlement agreement regarding attorney fees which was executed between the parties on April 27, 2017. Accordingly, Employee's Motion for Attorney Fees shall be dismissed.

ORDER

It is hereby **ORDERED** that Employee's Motion for Attorney Fees is **DISMISSED**.

FOR THE OFFICE:

Michelle R. Harris, Esq.
Administrative Judge