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THE DISTRICT OF COLUMBIA

BEFORE

THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	
)	OEA Matter No.: J-0064-19C21
██████████,)	
Employee)	
)	Date of Issuance: September 15, 2021
v.)	
)	ARIEN P. CANNON, ESQ.
DISTRICT OF COLUMBIA PUBLIC SCHOOLS,)	Administrative Judge
Agency)	
_____)	
Employee, <i>Pro se</i> ¹)	
Lynette A. Collins, Esq., Agency Representative)	

ADDENDUM DECISION ON COMPLIANCE

INTRODUCTION AND PROCEDURAL HISTORY

An Initial Decision was issued in this matter on November 25, 2019, reversing the District of Columbia Public Schools' ("DCPS" or "Agency") action of reducing Employee's rate of pay. This decision was not appealed; thus, it became the final decision of this Office. On October 14, 2020, Employee filed what was treated as a Motion to Enforce. After much correspondence with the parties, and several status conferences to address the adjustment to Employee's rate of pay, Agency provided documents evincing its compliance with the November 25, 2019 Initial Decision.

JURISDICTION

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

ANALYSIS AND CONCLUSION

At some point after Agency reduced Employee's rate of pay, Employee retired. Employee appealed his reduction in pay from its effective date through the date of his retirement. Subsequent

¹ During a September 2, 2021 status conference, the undersigned was informed that Employee had recently deceased.

to his retirement, Employee appealed his reduction in pay to this Office. The undersigned issued a November 25, 2019 Initial Decision reversing the Agency's action of reducing Employee's rate of pay. Thus, Employee was entitled to the difference in pay that he received versus the amount owed at the corrected rate.

After the November 25, 2019 Initial Decision, and during his retirement, Employee came into communication with the U.S. Office of Personnel Management (OPM) regarding the correct rate of pay for his annuity calculations. After being unable to resolve the correct rate of pay reported to OPM by Agency, Employee filed a Motion to Enforce with this Office seeking to have Agency provide the corrected rate of pay to OPM. Following a lengthy correspondence with the parties regarding the outstanding compliance issues and numerous status conferences, in an August 18, 2021 email, Agency provided the Individual Retirement Record (Standard Form 2806) for Employee. This record is dated April 15, 2021, and Agency represents that this form was also provided to OPM. Based on this email, I have determined that DCPS has fully complied with the decision of this Office and has provided the corrected rate of pay to OPM on Employee's behalf through his date of retirement. Accordingly, because the outstanding compliance issues have been resolved, the Motion to Enforce shall be dismissed.

ORDER

It is hereby **ORDERED** that Employee's Motion to Enforce is **DISMISSED**.

FOR THE OFFICE:

Arien P. Cannon, Esq.
Administrative Judge