

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:	)	
	)	
DEMETRIUS MCKENNEY,	)	
Employee	)	OEA Matter No. 1601-0207-12C16
	)	
v.	)	Date of Issuance: June 13, 2017
	)	
D.C. PUBLIC SCHOOLS,	)	Monica Dohnji, Esq.
Agency	)	Senior Administrative Judge
_____	)	

Brandi Nave, Esq., Employee Representative  
Carl Turpin, Esq., Agency's Representative

**ADDENDUM DECISION ON COMPLIANCE**

**INTRODUCTION AND PROCEDURAL BACKGROUND**

On August 16, 2012, Demetrius McKenney ("Employee") filed a Petition for Appeal with the Office of Employee Appeals ("OEA" or "Office") contesting the District of Columbia Public Schools' ("Agency") decision to terminate him from his position as an Educational Aide effective August 10, 2012. On September 20, 2012, Agency submitted its Answer to Employee's Petition for Appeal. On May 7, 2014, I issued an Initial Decision ("ID"), reversing Agency's decision to terminate Employee.

Agency appealed the ID to the OEA Board but the Board denied Agency's Petition for Review. On March 21, 2016, Employee's representative, Brandi Nave, filed a Motion for Attorney Fees. Thereafter, a Status Conference was convened on April 19, 2016, wherein, the parties informed the undersigned that the attorney fees issue had been resolved. Ms. Nave was advised to file a motion withdrawing her attorney fees petition since the parties had settled the attorney fees issue. On April 26, 2016, Ms. Nave filed a Notice of Withdrawal, withdrawing her Petition for Attorney Fees. She stated that "[a]ll matters relating to the above-referenced case are settled."<sup>1</sup>

<sup>1</sup> Notice of Withdrawal (March 26, 2016).

Subsequently, on August 22, 2016, Employee filed a Motion for Contempt and Motion for Emergency Hearing noting that Agency had not complied with the OEA Board's order to reimburse him back pay and lost benefits.<sup>2</sup> Agency responded to Employee's Motion for Contempt on September 1, 2016. A Status Conference was held on September 28, 2016, wherein Agency requested additional time to comply. The undersigned AJ was notified by the parties via email on June 5, 2017 that the matter had been completely resolved. Thereafter, on June 12, 2017, Employee filed a Notice of Dismissal stating that "[a]ll matters in the above referenced matters are concluded and settled with the Agency."<sup>3</sup> 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 Motions should be dismissed.

### ANALYSIS AND CONCLUSIONS OF LAW

In the instant matter, since Employee has voluntarily withdrawn her Motion for Contempt, her motion is dismissed.

### ORDER

It is hereby ORDERED that Employee's Motions in this matter is dismissed.

FOR THE OFFICE:

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MONICA DOHNJI, Esq.  
Senior Administrative Judge

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<sup>2</sup> Motion for Contempt and Motion for Emergency Status Hearing (August 22, 2016).

<sup>3</sup> Notice of Dismissal (June 12, 2017).