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**THE DISTRICT OF COLUMBIA**

**BEFORE**

**THE OFFICE OF EMPLOYEE APPEALS**

_____	)	
In the Matter of:	)	
	)	
SAMUEL BROOKS,	)	
Employee	)	OEA Matter No. 1601-0316-10-AF15
	)	
v.	)	Date of Issuance: October 15, 2015
	)	
D.C. DEPARTMENT OF HEALTH,	)	
Agency	)	Eric T. Robinson, Esq.
	)	Senior Administrative Judge
_____	)	
Rushab Sanghvi, Esq., Employee Representative		
Andrea Comentale, Esq., Agency Representative		

**ADDENDUM DECISION REGARDING ATTORNEY FEES AND COSTS**

**INTRODUCTION AND PROCEDURAL BACKGROUND**

On or about June 4, 2010, Samuel Brooks (“Employee”) filed a petition for appeal with the Office of Employee Appeals (“OEA” or “the Office”) contesting the District of Columbia Department of Health’s (“DOH” or “the Agency”) action of removing him from service. I was assigned this matter on or about July 10, 2012. Initially, based on the documents of record, it appeared that Employee was a probationary employee when he was removed from service. If so, then the OEA would lack jurisdiction to adjudicate this matter. Accordingly, on July 11, 2012, I issued an order requiring Employee to address said issue in a written brief. Employee complied and his response compelled the undersigned to look at the facts and circumstances surrounding his removal. The undersigned then conducted a status conference, via telephone on April 19, 2013. During this conference, the undersigned provided the parties with a briefing schedule. Both parties complied. Thereafter, on November 25, 2013, the undersigned issued an Initial Decision (“ID”) wherein Agency’s action was REVERSED. In response, DOH filed a petition for review with the Board of the OEA (“Board”). In an Opinion and Order dated March 3, 2015, the Board opted to uphold the ID. DOH did not seek further review through the Superior Court of the District of Columbia. Thereafter, on April 3, 2015, Employee submitted a Petition for Attorney Fees. In an attempt to settle their differences, the parties voluntarily participated in mediation conducted under the auspices of the OEA’s Mediation Department.

On October 13, 2015, Employee, through counsel, submitted a Notice of Withdrawal

regarding the outstanding issues surrounding the payment of attorney fees and costs. In this notice, Employee submits that the parties have reached a settlement on the issues surrounding the amount and payment of attorney fees in this matter and he requests that his appeal be withdrawn

### JURISDICTION

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

### ISSUE

Whether this matter may now be dismissed.

### ANALYSIS AND CONCLUSION

I am guided by the OEA rules in this matter. OEA 606.2<sup>1</sup> provides that “the Office shall exert every possible effort to resolve matters by mediation, to the extent possible, rather than through litigation.” Furthermore, OEA Rule 606.11 states that “if the parties reach a settlement, the matter shall be dismissed in accordance with D.C. Official Code § 1-606.06(b) (2006 Repl.)” Employee, through counsel, has submitted a Notice of Withdrawal indicating that the parties have settled their differences. Accordingly, I find that Employee’s motion for attorney’s fees should be dismissed in accordance with OEA Rule 606.11.

### ORDER

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

**FOR THE OFFICE:**

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Eric T. Robinson, Esq.  
Senior Administrative Judge

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<sup>1</sup> 59 DCR 2129 (March 16, 2012).