

Notice: This decision may be revised before publication in the *District of Columbia Register*. Parties should promptly notify the Administrative Assistant of any formal errors so that this Office can correct them before publishing this decision. This notice is not intended to provide an opportunity for substantive challenge to the decision.

THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	
)	
EARL S. SETTLEMIRE)	
Employee)	
)	OEA Matter No. J-0380-94
v.)	
)	Date of Issuance: December 23 2002
METROPOLITAN POLICE DEPT.)	
Agency)	
_____)	

OPINION AND ORDER
ON
PETITION FOR REVIEW

Employee, a Supervisory Public Affairs Specialist, DS-13, Step 4, was reassigned to a position as a Supervisory Budget Analyst, DS-13, Step 4. Employee appealed to this Office directly from the reassignment action (OEA Matter No. J-0380-94). In addition, he filed a grievance action with Agency challenging the reassignment. When Agency failed to respond to his grievance within 60 days, Employee filed a petition for appeal with this Office from the constructive denial (OEA Matter 1602-0051-95).

On December 3, 1997, the Administrative Judge dismissed OEA Matter No. J-0380-94 stating:

There is no requirement that this Office adjudicate matters that

are moot or duplicative. See *Featherstone v. University of the District of Columbia*, OEA Matter No. JT-0102-93(August 2, 1994). Here the issues raised and the relief requested are identical, and thus this case is duplicative. Further, the issues contained in this case will be fairly and fully adjudicated in Matter No. 1602-0051-95, which is currently on my docket. Thus, Employee's right to contest the reassignment which is the basis for both this case and Matter 1602-0051-95 is not compromised by dismissing the instant matter as being duplicative.

Employee filed a Petition for Review arguing that both actions should be maintained because of his apprehension that OEA Matter No. 1602-0051-95 will later be held to be an untimely filed appeal of an adverse action and be dismissed on that basis. We find Employee's concerns to be unwarranted. The two appeals raised identical issues and proposed identical remedies, and thus are duplicative. The Administrative Judge stated that Employee's right to contest the reassignment would not be compromised, a conclusion of law we explicitly adopt. In view of this, OEA Matter No. J-0380-94 was appropriately dismissed. Accordingly, Employee's Petition for Review is denied.

ORDER

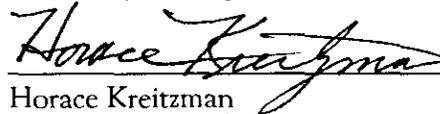
Accordingly, it is hereby **ORDERED** that Employee's
Petition for Review is **DENIED**.

FOR THE BOARD:



Erias A. Hyman, Chair

Gwendolyn Hemphill



Horace Kreitzman



Brian Lederer

The initial decision in this matter shall become a final decision of the Office of Employee Appeals 5 days after the issuance of this order. An appeal from a final decision of the Office of Employee Appeals may be taken to the Superior Court of the District of Columbia within 30 days after formal notice of the decision or order sought to be reviewed.