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**THE DISTRICT OF COLUMBIA**

**BEFORE**

**THE OFFICE OF EMPLOYEE APPEALS**

_____	)	
In the Matter of:	)	
	)	
SYLVIA JOHNSON,	)	
Employee	)	OEA Matter No. J-0145-15R17
	)	
v.	)	Date of Issuance: February 28, 2018
	)	
D.C. FIRE & EMERGENCY MEDICAL	)	
SERVICES,	)	
Agency	)	
_____	)	
Johnny M. Howard, Esq., Employee Representative	)	Arien Cannon, Esq.
Janea J. Raines, Esq., Agency Representative	)	Administrative Judge

**ADDENDUM DECISION ON ATTORNEY FEES**

On January 11, 2018, Employee, by and through counsel, filed a Motion for Attorney Fees and Costs. D.C. Code § 1-606.08<sup>1</sup> provides that an employee shall be entitled to an award of reasonable attorney fees if: (1) he or she is a prevailing party; and (2) the award is warranted in the interest of justice. An employee is considered the “prevailing party,” if he or she received “all or significant part of the relief sought” as a result of the decision.<sup>2</sup>

Here, an Initial Decision on Remand was issued on December 12, 2017, which reversed Agency’s decision and ordered that Employee be reinstated, and awarded her back pay and benefits lost as a result of her termination. As a result of this reversal, Agency filed a Petition for Review of Agency Decision in the District of Columbia Superior Court on February 1, 2018. Because this matter has been appealed to the D.C. Superior Court, the question of whether Employee is in fact the prevailing party has not been finally decided. Thus, I find that the Employee’s Motion for Attorney Fees and Costs is premature. Employee may re-file her motion if she is ultimately found to be the prevailing party.

<sup>1</sup> See also OEA Rule 634, 59 DCR 2129 (March 16, 2012).

<sup>2</sup> See *Webster Rogers v. D.C. Public Schools*, OEA Matter No. 2401-0255-10AF15, Addendum Decision on Attorney Fees (November 3, 2015).

Based on the aforementioned, it is hereby **ORDERED** that Employee's Motion for Attorney Fees and Costs is **DISMISSED**.

FOR THE OFFICE:

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Arien P. Cannon, Esq.  
Administrative Judge