

**THE DISTRICT OF COLUMBIA**

**BEFORE**

**THE OFFICE OF EMPLOYEE APPEALS**

|  |   |                                    |
|--|---|------------------------------------|
| _____  | ) |                                    |
| In the Matter of:                                | ) |                                    |
|  | ) |                                    |
| Florentino Rodriguez,                            | ) | OEA Matter No. 1601-0418-10A17     |
| Employee   | ) |                                    |
|  | ) | Date of Issuance: October 31, 2017 |
| v.   | ) |                                    |
|  | ) | Joseph E. Lim, Esq.                |
| D.C. Department of Human Resources, <sup>1</sup> | ) | Senior Administrative Judge        |
| Agency   | ) |                                    |
| _____  | ) |                                    |
| John Pressley, Jr., Esq. Employee Representative | ) |                                    |
| Pamela Brown, Esq., Agency Representative        | ) |                                    |

**ADDENDUM DECISION ON ATTORNEY FEES**

INTRODUCTION AND PROCEDURAL BACKGROUND

On September 24, 2010, Florentino Rodriguez (“Employee”) timely filed a Petition for Appeal with the D.C. Office of Employee Appeals (“OEA” or “Office”) contesting the District of Columbia Department of Human Resources’s (“DCHR” or “Agency”) decision to terminate him from his position as an Urban Park Ranger, effective August 28, 2010. Following an administrative review, Employee was terminated for violating the District Personnel Manual (“DPM”) Chapter 16, §1603.3(i) (August 27, 2012): “...use of illegal drugs, unauthorized use or abuse of prescription drugs, use of alcohol while on duty, or a positive drug test result...”

On December 19, 2013, I issued an Initial Decision (“ID”) upholding Agency’s action. Employee filed an appeal with the Superior Court of the District of Columbia, and on July 29, 2015, the Court affirmed the ID. Employee again appealed the decision, this time to the D.C. Court of Appeals (“Court of Appeals”). On August 25, 2016, the Court of Appeals reversed the decision of the Superior Court, vacated the ID, and remanded this matter back to OEA for further proceedings consistent with its opinion.

I held a Status Conference in this matter on October 28, 2016, and on April 25, 2017, I reversed Agency’s action. After the Initial Decision became final thirty five days later, Employee submitted a motion for attorney fees on or around July 10, 2017. Agency was ordered to submit a response by July 21, 2017.

The parties agreed to engage in settlement talks with the assistance of a mediator. On

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<sup>1</sup> Employee initially designated the D.C. Department of Parks & Recreation (“DPR”) as the disciplining agency. However, Agency clarified that the proper party is the D.C. Department of Human Resources (“DCHR” or “Agency”) since DCHR exercised its personnel authority under the Child Youth Safety Health Act to terminate Employee.

October 24, 2017, Employee submitted a signed dismissal of his request for attorney's fees, indicating that he had an agreement with Agency resolving the matter. 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 the attorney fee petition should be dismissed.

FINDINGS OF FACT, ANALYSIS AND CONCLUSIONS

In accordance with OEA Rule 619.2(g), 59 DCR 2129 (March 16, 2012), an Administrative Judge may dismiss a case "based on a settlement agreement reached by the parties". The documents submitted by the parties clearly state that the matter was settled and that Employee seeks to withdraw his motion and have his petition for attorney fees dismissed. The Administrative Judge commends the parties on their successful resolution of this matter.

ORDER

It is hereby ORDERED that Employee's motion for attorney fees is dismissed with prejudice.

FOR THE OFFICE:

JOSEPH E. LIM, ESQ.  
Senior Administrative Judge