FIRAL

OFFICE OF COMPLIANCE LA 200, John Adams Building, 110 Second Street, S.E. Washington, DC 20540-1999

JUANITA JOHNSON,	<u> </u>	
Appellee (Employee),)	
· - · · ·)	
v.)	Case No. 99-AC-326(DA)
)	
OFFICE OF THE ARCHITECT O	OF)	
THE CAPITOL,)	
)	
Appellant (Employing Offic	e).)	

Before the Board of Directors: Susan S. Robfogel, Chair; Barbara L. Camens, Alan V. Friedman; Roberta L. Holzwarth; Barbara Childs Wallace, Members.

SUPPLEMENTAL DECISION AND ORDER OF THE BOARD OF DIRECTORS

On February 25, 2002, the Board issued its decision on the Employing Office's appeal from the Hearing Officer's Decision on liability and his Supplemental Decision on damages. The Board affirmed the Hearing Officer's decisions in all respects, except for the reassignment remedy, which the Board remanded to the Hearing Officer for further proceedings. In his Decision on Remand, dated July 25, 2002, the Hearing Officer ordered that the Employing Office promptly and permanently reassign the Complainant/Appellee to the position of Subway Operator. The Hearing Officer also directed the payment of specified damages and attorney's fees, and, pursuant to the Board's referral, the Hearing Officer awarded additional attorney's fees for work performed at the appellate stage of this case.

The Employing Office timely appealed this order to the Board.

The Board has considered the attached hearing officer's Decision on Remand, the record, the employing office's objections and the parties' briefs, and has decided to affirm the hearing officer's findings and conclusions and to adopt his order.

ORDER

The Board of Directors of the Office of Compliance **adopts** the **Order** of the hearing officer and **orders** that the Employing Office, the Office of the Architect of the Capitol, shall take the action set forth in the **Order**.

Dated, Washington, D.C., November 20, 2002

Susan S. Robfogel, Chair

Barbara L. Camens, Member

Alan V. Friedman, Member

Roberta L. Holzwarth, Member

Barbara Childs Wallace, Member

CERTIFICATE OF SERVICE

I, the undersigned employee of the Office of Compliance, certify that on the date indicated below I served the following Supplemental Decision and Order of the Board of Directors upon the below named persons, addressed to them at the addresses indicated below.

Sarah Starrett, Esquire
Beins, Axelrod & Kraft, P.C.
1717 Massachusetts Avenue, NW
Suite 704
Washington, DC 20036-2001

Via Facsimile 202-328-7300 and First Class Mail

Edgard Martinez, Esquire
Office of the Employment Counsel
Office of the Architect of the Capitol
Ford House Office Building, Rm H2-202
Second & D Streets, SW
Washington, DC 20515

Via Facsimile 202-226-8700 and First Class Mail

Signed in Washington, D.C. this 20th day of November, 2002

Kisha Harley
Hearing Clerk
Office of Compliance