

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
PUBLIC EMPLOYEE RELATIONS BOARD**

In the Matter of:

Charles Bagenstose

Complainant,

and

District of Columbia
Public Schools,

Respondent.

PERB Cases No. 88-U-33
(Motion to Appear Before
the Board)
Opinion No. 340

ORDER

On November 2, 1992, the Complainant in the above-captioned proceeding filed a Motion requesting to appear before the Public Employee Relations Board (Board). No response to the Motion was filed by Respondent District of Columbia Public Schools.

Pursuant to Board Rule 520.13, "[t]he Board may grant the request if in the Board's view such argument would be helpful." Complainant's Motion follows three previous Orders by the Board addressing the same issues underlying this Motion.^{1/} In the Board's view oral argument by Complainant would not be helpful in the disposition of issues which the Board has adequately addressed.

^{1/} See, Charles Bagenstose v. District of Columbia Public Schools, PERB Case No. 88-U-33, ___ DCR ___, Slip Op. No. 302 (Motion for Reconsideration), ___ DCR ___, Slip Op. NO. 313 (Motion for Clarification), and ___ DCR ___ (Motion for Further Clarification).

Complainant's Motion, therefore, is hereby denied. ^{2/}

^{2/} Common to all of Complainant's Motions is Complainant's attempt to dispute the views expressed by the Board's Executive Director in her December 5, 1991 letter in response to Complainant's December 3, 1991 letter concerning DCPS' compliance with the Board's Decision and Order in this case. Specifically, the Complainant's letter and the Executive Director's response address the Complainant's asserted entitlement to certain compensation pursuant to the Board's make-whole remedy in our final Decision and Order on the merits of this case. See, Charles Bagenstose and Dr. Joseph Borowski v. District of Columbia Public Schools, 38 DCR 4154, Slip Op. No. 270, PERB Case Nos. 88-U-33 and 88-U-34 (1991). In pertinent part the Executive Director's letter stated the following:

You have again raised the question of whether you are entitled to compensation for courses that you could have taken free of charge, but did not, during the period in which you were involuntarily transferred from the School Without Walls. Please be advised that the Board's make-whole remedy in this case provides for the restoration of any benefits lost during your illegal transfer, in order to restore the status quo as it relates to your working conditions, prior to the unfair labor practice. Therefore, your "right to take courses free-of-charge" should be reinstated upon your return to your former position.

There is nothing in the Board's Order, however, that supports any specific monetary claim, absent a showing that compensable benefits, accorded by law, were lost as a result of the prohibited conduct. Moreover, by your own admission, you have viewed the ability to take courses of study at George Washington University as a "privilege" and apparently have incurred no direct out-of-pocket expenses by the temporary loss of this privilege.

We find nothing inconsistent in the views expressed by the Executive Director with the Board's interpretation of its final remedial Order in Opinion No. 270, or with what the Order requires. Complainant is reminded, once again, that if he disagreed with the Order of the Board, relief is appropriately sought in the D.C. Superior Court as provided by D.C. Code Sec. 1-618.13(c). The Board finds no reason for taking action to enforce an Order which, based on the record before us, has been fully complied with by the Respondent.

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BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD
Washington, D.C.

December 3, 1992