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THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	
)	
EDWIN SHERROD,)	
Employee)	OEA Matter No. 2401-0253-12
)	
v.)	Date of Issuance: September 8, 2014
)	
D.C. PUBLIC SCHOOLS,)	MONICA DOHNJI, Esq.
Agency)	Administrative Judge
_____)	
Diana Bardes, Esq., Employee Representative)	
Carl K. Turpin, Esq., Agency Representative)	

INITIAL DECISION

INTRODUCTION AND PROCEDURAL BACKGROUND

On September 10, 2012, Edwin Sherrod, (“Employee”) filed a Petition for Appeal with the Office of Employee Appeals (“OEA” or “Office”) contesting the D.C. Public Schools’ (“Agency”) decision to abolish his position pursuant to a Reduction-in-Force (“RIF”). The effective date of the RIF was August 10, 2010. On October 12, 2012, Agency filed its Answer to Employee’s Petition for Appeal.

This matter was assigned to the undersigned Administrative Judge (“AJ”) on December 9, 2013. On December 18, 2013, I issued an Order wherein, I required the parties to submit briefs addressing the issue of whether the RIF was properly conducted in this matter. Both parties submitted their respective briefs. On February 14, 2014, Agency submitted an amended Answer to Employee’s Petition for Appeal noting that, Employee was terminated for receiving a ‘Minimally Effective’ rating in the 2010-2011, and 2011- 2012 school years, and not because of the RIF. Subsequently, a Status Conference was held in this matter on April 9, 2014, wherein, the parties requested that this matter be referred to mediation. A Mediation Conference was held in this matter on May 22, 2014. On August 18, 2014, Employee submitted a Withdrawal of Petition for Appeal notice stating that, he “.... hereby withdraws his petition for appeal against D.C. Public Schools, consistent with the parties’ settlement of this 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 this appeal should be dismissed.

ANALYSIS AND CONCLUSION

D.C. Official Code §1-606.06(b) (2001) states in pertinent part that:

If the parties agree to a settlement without a decision on the merits of the case, a settlement agreement, prepared and signed by all parties, shall constitute the final and binding resolution of the appeal, and the [Administrative Judge] shall dismiss the appeal with prejudice.

In the instant matter, since the parties have agreed and executed a settlement agreement, and Employee has voluntarily withdrawn his Petition for Appeal, I find that Employee's Petition for Appeal is dismissed.

ORDER

It is hereby **ORDERED** that the Petition for Appeal in this matter is **DISMISSED**.

FOR THE OFFICE:

MONICA DOHNJI, Esq.
Administrative Judge