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THE DISTRICT OF COLUMBIA

BEFORE

THE OFFICE OF EMPLOYEE APPEALS

| | | |
|---------------------------------------------------|---|--------------------------------------|
| _____ |) | |
| In the Matter of: |) | |
| |) | OEA Matter No.: 1601-0071-13 |
| JULIO CESAR SESSAREGO, |) | |
| Employee |) | |
| |) | Date of Issuance: September 22, 2014 |
| v. |) | |
| |) | |
| OFFICE OF THE STATE SUPERINTENDENT |) | |
| OF EDUCATION, |) | |
| Agency |) | |
| |) | |
| |) | Arien P. Cannon, Esq. |
| |) | Administrative Judge |
| _____ |) | |
| Julio Sessarego, Employee, <i>Pro se</i> | | |
| Hillary Hoffman-Peak, Esq., Agency Representative | | |

INITIAL DECISION

INTRODUCTION AND PROCEDURAL BACKGROUND

On April 8, 2013, Julio Sessarego (“Employee”) filed a Petition for Appeal with the Office of Employee Appeals (“Office” or “OEA”) challenging the Office of the State Superintendent of Education’s (“Agency” or “OSSE”) decision to remove him from his position as a Motor Vehicle Operator. This matter was assigned to me on February 25, 2014. A Prehearing Conference was held on June 23, 2014. Subsequently, a Post Prehearing Conference Order was issued which required the parties to submit briefs addressing the issues in this matter. As a result of mediation, and prior to the parties filing their briefs, Employee submitted a Withdrawal of Appeal, along with a Settlement Agreement on September 17, 2014. The record is now closed.

JURISDICTION

Jurisdiction of this Office is established in this matter pursuant to D.C. Official Code § 1-606.03 (2001).

ISSUE

Whether Employee's Petition for Appeal should be dismissed based on his voluntary withdrawal as a result of settlement negotiations.

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.

On September 17, 2014, a Withdrawal of Appeal, along with a Settlement Agreement signed by both parties, was submitted to this Office. Accordingly, Employee's Petition for Appeal is hereby **DISMISSED** with prejudice.

ORDER

It is hereby **ORDERED** that Employee's Petition for Appeal is **DISMISSED** with prejudice.

FOR THE OFFICE:

Arien P. Cannon, Esq.
Administrative Judge