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THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	
)	
EMPLOYEE,)	
Employee)	OEA Matter No.: 1601-0038-22
)	
v.)	Date of Issuance: January 13, 2025
)	
METROPOLITAN POLICE)	
DEPARTMENT,)	
Agency)	Eric T. Robinson, Esq.
)	Senior Administrative Judge
_____)	
Ann-Kathryn So, Esq., Employee Representative		
Anna Kent, Esq., Agency Representative		

INITIAL DECISION

PROCEDURAL HISTORY

On January 18, 2022, Employee filed a Petition for Appeal with the Office of Employee Appeals contesting the Metropolitan Police Department’s (“MPD”) action of suspending him indefinitely without pay. The basis for Agency’s action stems from a second-degree murder¹, conspiracy², and obstruction of justice³ criminal indictment issued by a federal grand jury in the United States District Court for the District of Columbia.⁴ On January 19, 2022, the Office of Employee Appeals (“OEA” or the “Office”) through its Executive Director, issued a notice seeking MPD’s Answer to Employee’s Petition for Appeal. MPD was required to submit its Answer by February 18, 2022. MPD filed its Answer on February 14, 2022. This matter was then sent to the OEA’s Mediation department for mandatory mediation. At that time, mediation was unsuccessful. This matter was then assigned to the Undersigned on May 3, 2022. On May 5, 2022, the Undersigned issued an Order Convening a Prehearing Conference which was set to occur on June 2, 2022. Instead of submitting a Prehearing Statement in preparation for the conference, Employee

¹ D.C. Official Code § 22-2103

² 18 U.S.C. § 371

³ 18 U.S.C. § 1512(b)(3), 2

⁴ The case caption and number for Employee’s criminal matter is *United States of America v. [Employee]*, Criminal No. 21-0598 (PLF).

filed a Consent Motion to Stay Proceedings in this matter. In his motion, Employee requested that this matter be stayed pending the resolution of his criminal matter. MPD consented to staying this matter while the criminal matter was pending. Upon review, on May 20, 2022, the Undersigned issued an Order Regarding Consent Motion to Stay Proceedings. In this Order, I granted Employee's request to stay this matter until a final determination was made in his criminal case.

In the month of December 2022, it was reported through various local news outlets that Employee received a guilty verdict in his criminal case. The Undersigned then inquired with the parties requesting an update regarding the instant matter. On January 5, 2023, Employee submitted another consent motion to extend the time in which to reply to the request. Employee noted that several motions are pending before the Court in the criminal matter. On January 25, 2024, the Undersigned issued an updated Order extending the stay and requiring the parties to submit written updates regarding the pendency of the criminal case on a twice monthly basis. In the ensuing months that followed, the parties consistently complied with this ongoing Order. According to a Status Update received on September 25, 2024, Employee, in his criminal matter, was sentenced and then released pending his appeal. Given this development, the parties were required to appear for a status conference on October 22, 2024. During this conference, the possibility of the parties settling the instant matter was broached. The parties then requested that they be allowed to further explore this possibility while the matter remained stayed. The previous Order regarding twice monthly updates remained in effect. The parties then engaged in settlement discussions on their own accord.

On January 10, 2025, Employee submitted a Status Update and Motion for Entry of Dismissal. In this submission, Employee, through counsel, informed the OEA that the parties had settled this matter and that the Employee, with MPD's consent, was requesting that this matter be dismissed. After reviewing the documents of record, I have determined that no further proceedings are warranted. The record is now closed.

JURISDICTION

The Office has jurisdiction pursuant to D.C. Official Code § 1-606.03 (2001).

ISSUE

Whether this matter should be dismissed.

ANALYSIS AND CONCLUSION

Since Employee voluntarily withdrew his Petition for Appeal, I find that Employee's Petition for Appeal should be dismissed.

ORDER

Based on the foregoing, it is hereby ORDERED that the above-captioned Petition for Appeal be dismissed.

FOR THE OFFICE:

/s/ Eric T. Robinson

Eric T. Robinson, Esq.
Senior Administrative Judge