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**THE DISTRICT OF COLUMBIA  
BEFORE  
THE OFFICE OF EMPLOYEE APPEALS**

In the Matter of:	)	
	)	OEA Matter No.: 1601-0067-22
EMPLOYEE <sup>1</sup> ,	)	
Employee	)	
	)	Date of Issuance: March 14, 2023
v.	)	
	)	
DISTRICT OF COLUMBIA	)	
PUBLIC SCHOOLS,	)	MICHELLE R. HARRIS, ESQ.
Agency	)	Senior Administrative Judge
	)	
	)	

Employee, *Pro Se*  
Nicole C. Dillard, Esq., Agency Representative

**INITIAL DECISION**

**INTRODUCTION AND PROCEDURAL HISTORY**

On July 25, 2022, Employee filed a Petition for Appeal with the Office of Employee Appeals (“OEA” or “Office”) contesting the District of Columbia Public Schools’ (“Agency” or “DCPS”) decision to terminate her from service following a Minimally Effect IMPACT rating for the 2021-2022, school year. The termination was effective July 30, 2022. OEA sent a letter to Agency on July 25, 2022, requiring Agency submit its Answer by August 31, 2022. Agency filed its Answer on September 1, 2022. This matter was assigned to the undersigned Senior Administrative Judge (“AJ”) on September 2, 2022. On September 8, 2022, I issued an Order Convening a Prehearing Conference in this matter for October 12, 2022. Prehearing Statements were due on October 5, 2022. On October 11, 2022, Employee contacted the undersigned via email and indicated that she was not available on October 12, 2022, due to a family matter. Following correspondence with both parties, I issued an Order on October 12, 2022, rescheduling the Prehearing Conference to October 26, 2022. Both parties appeared for the Prehearing Conference as required. During that Conference, I determine that supplemental information was required for review and scheduled a Status Conference for November 30, 2022. During the Status Conference, I determined that an Evidentiary Hearing was warranted for this matter. Accordingly, on November 30, 2022, I issued an Order Convening an Evidentiary Hearing for February 8, 2023.

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<sup>1</sup> Employee’s name was removed from this decision for the purposes of publication on the Office of Employee Appeals’ website.

On January 18, 2023, Agency filed a Motion to Continue the Evidentiary Hearing citing that they were negotiating a settlement agreement with Employee. On January 18, 2023, I issued an Order granting Agency's Motion, vacating the Evidentiary Hearing and scheduling a Status Conference for February 15, 2023. The parties notified the undersigned via email on February 11, 2023, that they had executed a settlement agreement in this matter. Accordingly, I cancelled the Status Conference scheduled for February 15, 2023. On March 8, 2023, Employee filed a letter noting that she was withdrawing her appeal before OEA since she had settled the matter with Agency. 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 based upon Employee's voluntary withdrawal.

### FINDINGS OF FACT, ANALYSIS AND CONCLUSIONS OF LAW

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.

Employee filed a notice on March 8, 2023, citing that "I am writing this letter to inform you that I have withdrawn my appeal that I have sent due to the fact I was separated from DCPS. I have come to this decision because we have come to an agreement on a settlement that I agree on..."<sup>2</sup> Accordingly, I find that since the parties settled this matter and Employee has filed a notice to voluntarily withdraw her appeal, Employee's Petition should be dismissed.

### ORDER

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

FOR THE OFFICE:

/s/Michelle R. Harris  
MICHELLE R. HARRIS, ESQ.  
Senior Administrative Judge

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<sup>2</sup>Letter from Employee (March 8, 2023). Due to issues with postal service delivery, the undersigned accepted Employee's withdrawal submission via electronic mail. Employee had previously mailed a notice that never arrived at OEA.