

Notice: This decision may be formally revised before it is published in the *District of Columbia Register* and the Office of Employee Appeals' website. Parties should promptly notify the Office Manager of any formal errors so that this Office can correct them before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

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

_____)	
In the Matter of:)	
)	
FRANCKLIN LEVEILLE,)	
Employee)	
)	OEA Matter No. 1601-0102-16
v.)	
)	Date of Issuance: April 26, 2017
OFFICE OF THE STATE)	
SUPERINTENDENT OF EDUCATION,)	
Agency)	
_____)	MICHELLE R. HARRIS, Esq.
Michelle Bell, Esq., Employee Representative)	Administrative Judge
Hillary Hoffman-Peak, Esq., Agency Representative)	

INITIAL DECISION

INTRODUCTION AND PROCEDURAL BACKGROUND

On September 27, 2016, Francklin Leveille (“Employee”) filed a Petition for Appeal with the Office of Employee Appeals (“OEA” or “Office”) contesting the Office of the State Superintendent of Education’s (“Agency” or “OSSE”) decision terminate him from his position as a Bus Driver. On October 18, 2016, Agency filed its Answer to Employee’s Petition for Appeal. Following a successful mediation and the parties’ subsequent agreement to settle this matter; on March 30, 2017, Employee, by and through his counsel, submitted a Withdrawal of Appeal. This matter was assigned to the undersigned on April 5, 2017. 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 the settlement agreement and Employee’s voluntary withdrawal.

FINDINGS OF FACTS, 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.

In the instant matter, since the parties have agreed and executed a settlement agreement, and Employee has voluntarily withdrawn his Petition for Appeal, I find that Employee's Petition for Appeal should be dismissed.

ORDER

It is hereby **ORDERED** that the Petition in this matter is **DISMISSED WITH PREJUDICE**.

FOR THE OFFICE:

MICHELLE R. HARRIS, Esq.
Administrative Judge