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THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:)	
)	
EMPLOYEE ¹ ,)	
Employee)	OEA Matter No. 1601-0018-21
)	
v.)	Date of Issuance: January 25, 2022
)	
DEPARTMENT OF BEHAVIORAL HEALTH,)	MONICA DOHNJI, Esq.
Agency)	Senior Administrative Judge
)	
)	

Employee, *Pro Se*
Andrea Comentale, Esq., Agency's Representative

INITIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

On March 23, 2021, Employee filed a Petition for Appeal with the Office of Employee Appeals (“OEA”) contesting the Department of Behavioral Health’s (“Agency”) decision to suspend him for thirty (30) days without pay from his position of Housekeeping Aide. OEA issued a Request for Agency Answer to Petition for Appeal on April 22, 2021. Thereafter, on May 20, 2021, Agency filed its Answer to Employee’s Petition for Appeal. This matter was assigned to a Mediator. Following a successful mediation, the parties reached a settlement agreement. On December 15, 2021, the parties submitted a Consent Motion to Withdraw, noting that the parties move² “... to withdraw Employee’s petition for appeal. The parties have executed a settlement agreement resolving this matter. Accordingly, both Employee and Agency respectfully requests that this tribunal dismiss the above-captioned case with prejudice.”³ This matter was assigned to the undersigned on January 6, 2022. The record is now closed.

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

² While this Consent motion was not signed by both parties, Agency noted that Employee consented to the Motion to Withdraw.

³ Consent Motion to Withdraw (December 15, 2021).

JURISDICTION

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

ISSUE

Whether Employee's Petition for Appeal should be dismissed.

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 the parties have requested that the matter be dismissed, I find that Employee's Petition for Appeal should be dismissed.

ORDER

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

FOR THE OFFICE:

/s/ Monica N. Dohnji

MONICA DOHNJI, Esq.
Senior Administrative Judge