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THE DISTRICT OF COLUMBIA

BEFORE

THE OFFICE OF EMPLOYEE APPEALS

| | | |
|---|---|--------------------------------|
| _____ |) | |
| In the Matter of: |) | |
| |) | OEA Matter No.: 1601-0030-13 |
| CHRISTINE ALSTON, |) | |
| Employee |) | |
| |) | Date of Issuance: July 3, 2014 |
| v. |) | |
| |) | |
| OFFICE OF THE STATE SUPERINTENDENT OF |) | |
| EDUCATION, |) | |
| Agency |) | |
| |) | |
| |) | Arien P. Cannon, Esq. |
| |) | Administrative Judge |
| _____ |) | |
| Kelly Thompson, Esq., Employee Representative |) | |
| Hillary Hoffman-Peak, Esq., Agency Representative |) | |

INITIAL DECISION

INTRODUCTION AND PROCEDURAL BACKGROUND

On December 11, 2012, Christine Alston (“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 her from her position as a Bus Attendant. This matter was assigned to me on January 21, 2014. A Status Conference was held on April 11, 2014. It was determined at the Status Conference that there were material issues of fact in this matter; thus, a Prehearing in anticipation of an Evidentiary Hearing was scheduled for June 18, 2014. Prior to the Prehearing Conference, the parties went to mediation. As a result of mediation, the parties reached a Settlement Agreement. Subsequently, on July 2, 2014, Employee submitted a Withdrawal of Appeal, along with the Settlement Agreement. 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 her 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 July 2, 2014, a Withdrawal of Appeal, along with a Settlement Agreement which was 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