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**THE DISTRICT OF COLUMBIA**

**BEFORE**

**THE OFFICE OF EMPLOYEE APPEALS**

_____	)	
In the Matter of:	)	
	)	
JAMES CANON-BEY,	)	
Employee	)	OEA Matter No. 1601-0401-10
	)	
v.	)	Date of Issuance: April 12, 2013
	)	
OFFICE OF THE CHIEF	)	
MEDICAL EXAMINER,	)	MONICA DOHNJI, Esq.
Agency	)	Administrative Judge
_____	)	
James Canon-Bey, Employee <i>Pro Se</i>		
Cory Argust, Esq., Agency Representative		

**INITIAL DECISION**

**INTRODUCTION AND PROCEDURAL BACKGROUND**

On September 13, 2010, James Canon-Bey (“Employee”) filed a Petition for Appeal with the Office of Employee Appeals (“OEA” or “Office”) contesting the Office of the Chief Medical Examiner’s (“OCME” or “Agency”) action of terminating him from his position as an Autopsy Assistant, effective August 13, 2010. On October 15, 2010, Agency filed a Motion for Extension of Time. Thereafter, on October 29, 2010, Agency submitted its Answer to Employee’s Petition for Appeal.

This matter was assigned to the undersigned Administrative Judge (“AJ”) on July 18, 2012. On July 30, 2012, the undersigned AJ issued an Order scheduling a Status Conference in this matter for August 22, 2012. Following several requests for Continuance by the parties, the Status Conference in this matter was held on October 2, 2012. During the Status Conference, the parties decided to settle this matter out of court. On February 13, 2013, the undersigned AJ issued an Order requesting that the parties update this Office as to the status of their out of court negotiations by March 4, 2013. The parties complied. Subsequently, on April 11, 2013, this Office received the parties’ written/signed Settlement Agreement. The record is now closed.

**JURISDICTION**

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

ISSUE

Whether this appeal should be dismissed.

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.

In the instant matter, since the parties have submitted an executed settlement agreement, I find that Employee's Petition for Appeal is dismissed.

ORDER

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

FOR THE OFFICE:

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MONICA DOHNJI, Esq.  
Administrative Judge