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THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:)	
)	OEA Matter No.: 1601-0024-15
WAYNE JONES,)	
Employee)	
)	Date of Issuance: October 6, 2015
v.)	
)	
OFFICE OF THE STATE SUPERINTENDENT)	
OF EDUCATION,)	
Agency,)	
)	
)	Arien P. Cannon, Esq.
)	Administrative Judge

Wayne Jones, Employee, *Pro se*
Hillary Hoffman-Peak, Esq., Agency Representative

INITIAL DECISION

INTRODUCTION AND PROCEDURAL BACKGROUND

On December 3, 2014, Wayne Jones (“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”) decision to remove him from his position as a Motor Vehicle Operator. I was assigned this matter on March 5, 2015. A Status Conference was convened on April 27, 2015. Subsequent to the Status Conference, the parties were ordered to submit briefs on the issues. Both parties submitted their briefs accordingly. A Prehearing Conference Order was issued on September 17, 2015, in anticipation of moving forward with an Evidentiary Hearing. Prior to the Prehearing Conference, a Settlement Agreement was submitted and signed by both parties. 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 his 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 October 5, 2015, a Withdrawal of Appeal and Settlement Agreement 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. It is further **ORDERED** that the October 14, 2015, Prehearing Conference is vacated.

FOR THE OFFICE:

Arien P. Cannon, Esq.
Administrative Judge