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

_____	)	
In the Matter of:	)	
	)	
FRITZNER DUPALIS,	)	
Employee	)	OEA Matter No. 1601-0089-18
	)	
v.	)	Date of Issuance: March 4, 2019
	)	
OFFICE OF THE STATE SUPERINTENDENT	)	
OF EDUCATION,	)	MONICA DOHNJI, Esq.
Agency	)	Senior Administrative Judge
_____	)	
Michelle Bell, Esq., Employee's Representative	)	
Hillary Hoffman-Peak, Esq., Agency's Representative	)	

**INITIAL DECISION**

**INTRODUCTION AND PROCEDURAL BACKGROUND**

On September 5, 2018, Fritzner Dupalis, (“Employee”) filed a Petition for Appeal with the D.C. Office of Employee Appeals (“OEA” or “Office”) contesting the Office of the State Superintendent of Education’s (“OSSE” or “Agency”) decision to terminate him from his position of Motor Vehicle Operator, effective August 13, 2018. Agency filed its Answer to Employee’s Petition for Appeal on September 28, 2018.

A Mediation conference was held in this matter on November 1, 2018. Thereafter, Employee’s representative filed a Withdrawal of Appeal notice with OEA stating that “... the Parties have reached a settlement in this matter. Mr. Dupalis withdraws his appeal and request that the Clerk dismiss this case with prejudice.”<sup>1</sup> This matter was assigned to the undersigned on March 1, 2019. The record is now closed.

**JURISDICTION**

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

\_\_\_\_\_  
<sup>1</sup> See Withdrawal of Appeal

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 Employee has submitted a Withdrawal of Appeal, 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** with prejudice.

FOR THE OFFICE:

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MONICA DOHNJI, Esq.  
Senior Administrative Judge