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THE DISTRICT OF COLUMBIA

BEFORE

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:)	
)	
EMPLOYEE, ¹)	
Employee)	OEA Matter No. J-0052-23
)	
v.)	Date of Issuance: September 13, 2024
)	
D.C. DEPARTMENT OF PUBLIC WORKS,)	Natiya Curtis, Esq.
Agency)	Administrative Judge
)	
Tameka Garner-Barry, Employee Representative		
Michele McGee, Esq., Agency Representative		

INITIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

On August 1, 2023, Employee filed a Petition for Appeal with the Office of Employee Appeals (“OEA” or “Office”) contesting the District of Columbia Department of Public Works (“Agency” or “DPW”) decision to terminate Employee from service as a Parking Enforcement Officer, effective June 30, 2023. In a letter dated August 2, 2023, OEA requested Agency submit an Answer to Employee’s Petition for Appeal. On August 30, 2023, Agency requested an extension of time to file its Answer, which this Office granted.² Agency submitted its timely Answer on September 14, 2023, averring that OEA lacked jurisdiction over Employee’s appeal due to untimeliness of filing. This matter was assigned to the undersigned Administrative Judge (“AJ”) on September 14, 2023. On September 20, 2024, the undersigned issued an Order Convening a Prehearing Conference for October 24, 2023. Prehearing statements were due by October 17, 2023.

On October 16, 2023, Agency submitted a Consent Motion to Continue the Prehearing Conference and Extend Deadlines, averring that there remained an issue of jurisdiction. On October 20, 2023, I issued an Order Regarding Jurisdiction, noting therein that filing deadlines are not jurisdictional, but waivable claims-processing rules, and as a result, OEA has jurisdiction over this matter.³ This Order also rescheduled the Prehearing Conference scheduled for October 24, 2023, to a Status/Discovery Conference, and scheduled for November 9, 2023. On November 13, 2023, the undersigned issued a Post Status/Discovery Conference Order, which extended the date for discovery, and rescheduled the Prehearing Conference for January 11, 2024. Prehearing Statements were due by

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

² The request for an extension was granted by the OEA Executive Director, Sheila Barfield, Esq.

³ *Yolanda Sium v Office of State Superintendent of Education*, 218 A.3d 228 (D.C.2019).

January 5, 2024. On December 21, 2023, Agency filed a Motion to Continue the Prehearing Conference and Extend Deadlines, which Employee opposed. During a Status Conference held on January 4, 2024, the undersigned granted Agency's motion to extend deadlines. Further, a Prehearing Conference was scheduled for February 8, 2024, and subsequently rescheduled for February 22, 2024, due to scheduling conflicts. Prehearing statements were due on February 15, 2024.

On February 1, 2024, Agency submitted a Motion to Stay Proceedings, citing that the parties were engaged in return-to-work settlement discussions. A Status Conference⁴ was held on March 14, 2024, at which time the parties agreed to participate in mediation for return-to-work requirements. Thereafter, the parties engaged in mediation services provided by OEA. After several months of mediation and settlement negotiations, Employee filed a notice to withdraw the Petition for Appeal, citing therein that a settlement had been reached.⁵ I have determined that an Evidentiary Hearing is not required in this matter. 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 based on the parties' settlement of this matter and Employee's withdrawal of the Petition for Appeal.

FINDINGS OF FACT, 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, the parties have agreed upon and executed a settlement agreement. Furthermore, Employee submitted a withdrawal of the Petition for Appeal to this Office on September 12, 2024, noting that the parties had reached a settlement agreement. For these reasons, and pursuant to the aforementioned code provision, I find that Employee's Petition for Appeal should be dismissed.

ORDER

It is hereby **ORDERED** that Employee's Petition in this matter is **DISMISSED with PREJUDICE**.

⁴ The undersigned held this Status Conference to determine the status of Employee's return to work.

⁵ Employee filed this notice to withdraw on September 12, 2024.

FOR THE OFFICE:

/s/ Natiya Curtis, Esq.
Administrative Judge