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THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:)	
)	OEA Matter No.: 1601-0117-13
HERBERT ALSTON,)	
Employee)	
)	Date of Issuance: April 8, 2015
v.)	
)	
DISTRICT OF COLUMBIA PUBLIC SCHOOLS,)	
Agency,)	
)	
)	
)	Arien P. Cannon, Esq.
)	Administrative Judge
Denise M. Clark, Esq., Employee Representative)	
Carl K. Turpin, Esq., Agency Representative)	

INITIAL DECISION

INTRODUCTION AND PROCEDURAL BACKGROUND

On July 15, 2013, Herbert Alston (“Employee”) filed a Petition for Appeal with the Office of Employee Appeals (“Office” or “OEA”) challenging the District of Columbia Public Schools’ (“Agency”) decision to remove him from his position as a Custodian. I was assigned this matter on May 26, 2014. A Prehearing Conference was held on July 15, 2014. An Evidentiary Hearing was scheduled for September 19, 2014. At the request of both parties, the Evidentiary Hearing was rescheduled on two separate occasions for the parties to continue their settlement discussions. Prior to the Evidentiary Hearing, this matter was settled through mediation. Subsequently, on April 6, 2015, Employee submitted a Withdrawal of Appeal. 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 April 6, 2015, a Withdrawal of Appeal 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