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THE DISTRICT OF COLUMBIA

BEFORE

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:)	
)	
PETER PHILIP,)	
Employee)	OEA Matter No. 1601-0011-06
)	
v.)	Date of Issuance: May 2, 2006
)	
DISTRICT OF COLUMBIA)	
PUBLIC SCHOOLS,)	
Agency)	ERIC T. ROBINSON, Esq.
)	Administrative Judge
)	

David Branch, Esq., Employee Representative
Sara Moskowitz, Esq. Agency Representative

INITIAL DECISION

INTRODUCTION, PROCEDURAL HISTORY, AND STATEMENT OF FACTS

On October 27, 2005, Peter Philip (hereinafter "the Employee") filed a Petition for Appeal with the Office of Employee Appeals (hereinafter "the Office") contesting the District of Columbia Public Schools action of terminating his employment. I was assigned this matter on December 16, 2005. On that same date I issued an Order Convening a Prehearing Conference on February 2, 2006. The Prehearing Conference was held as scheduled. During the Prehearing Conference, I decided that there existed a genuine factual dispute which necessitated an Evidentiary Hearing in this matter. I issued an Order Convening a Hearing set for April 20, 2006. I also convened Status Conferences via telephone on February 6, 2006 and April 6, 2006. During the final Status Conference the parties informed me that they wished to discuss possible settlement of this matter. I asked both parties whether or not they wanted to pursue settlement of this matter under the auspices of this Office's Mediation and Conciliation Program. Both parties agreed. I then referred this matter to this Office's Mediation and Conciliation Program. Pursuant to a joint request of the parties, I canceled the April 20, 2006, Evidentiary Hearing.

On May 2, 2006, I was informed by Senior Administrative Judge Daryl Hollis – the mediator assigned to this matter, that the mediation was ultimately successful and that the parties had signed a settlement agreement that resolved the underlying issues in this matter. In accordance with one of the provisions of the aforementioned settlement agreement, the Employee withdrew his petition for appeal. The record is now closed.

ISSUE

Whether this case may be dismissed.

JURISDICTION

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

ANALYSIS AND CONCLUSION

D.C. Official Code § 1-606.06(b) (2001) states in pertinent part that:

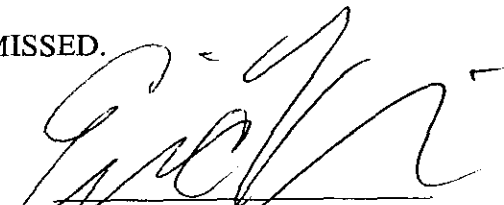
If the parties agree to a settlement without a decision on the merits of the case, a settlement agreement, prepared and signed by all parties, shall constitute the final and binding resolution of the appeal, and the [Administrative Judge] shall dismiss the appeal with prejudice.

The parties have submitted a fully executed settlement agreement that resolves the underlying issues in this matter. This meets the requirements of the above provision of the D.C. Code and constitutes the final and binding resolution of the appeal. Therefore, I conclude that this matter should be dismissed.

ORDER

It is hereby ORDERED that this matter be DISMISSED.

FOR THE OFFICE:


Eric T. Robinson, Esq.
Administrative Judge