Notice: This decision may be formally revised before it is published in the *District of Columbia Register* and the Office of Employee Appeals' website. Parties should promptly notify the Office Manager of any formal errors so that this Office can correct them before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

# THE DISTRICT OF COLUMBIA BEFORE THE OFFICE OF EMPLOYEE APPEALS

In the Motter of		
In the Matter of:	) )	A M // NI 1601 0001 05
EMPLOYEE <sup>1</sup> , Employee	) OEA ) )	A Matter No.: 1601-0001-25
V.	) Date	e of Issuance: March 14, 2025
D.C. METROPOLITAN POLICE DEPARTMENT,	)	
Agency.	/	CHELLE R. HARRIS, ESQ. ior Administrative Judge
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Carisa C. Lang, Esq., Employee Representative		
Lauren B. Schwartz, Esq., Agency Representative		

## INITIAL DECISION<sup>2</sup>

#### INTRODUCTION AND PROCEDURAL HISTORY

On October 3, 2024, Employee filed a Petition for Appeal with the Office of Employee Appeals ("OEA" or "Office") contesting the District of Columbia Metropolitan Police Department's ("Agency" or "MPD") decision to terminate her from service. The effective date of the termination was September 26, 2024. Following a request from OEA dated October 3, 2024, Agency filed its Answer to Employee's Petition for Appeal on November 1, 2024. This matter was assigned to the undersigned Senior Administrative Judge ("AJ") on November 4, 2024. On November 5, 2024, I issued an Order scheduling a Prehearing Conference in this matter for December 11, 2024. Both parties appeared for the Prehearing Conference on December 11, 2024. During that Conference, the undersigned determined that more time was required for the parties to submit Prehearing Statements due to delays in Employee's receipt of Agency's Answer. I issued a Post Prehearing Conference Order on December 11, 2024, scheduling a Prehearing Conference for January 16, 2025, and required that Prehearing Statements be filed by or before January 9, 2025.

On January 3, 2025, Employee, by and through her counsel, filed an Unopposed Motion for an Extension of Time. Employee's counsel cited therein that she had recently been retained, and

<sup>&</sup>lt;sup>1</sup>Employee's name was removed from this decision for the purposes of publication on the Office of Employee Appeals' website.

<sup>2</sup>The Initial Decision was issued on March 12, 2025, in this matter. On March 14, 2025, the undersigned was notified that the Procedural History reflected an incorrect effective date for the adverse action in this matter. Accordingly, this Initial Decision is being reissued to reflect the correct effective date of September 26, 2024. There have been no other substantive changes made to the Initial Decision.

more time was needed to complete discovery. Employee requested an additional sixty (60) days to complete discovery and submit Prehearing Statements by or before March 10, 2025. On January 13, 2025, I issued an Order granting Employee's Motion. The Prehearing Conference scheduled for January 16, 2025, was vacated and rescheduled to March 18, 2025. Additionally, Prehearing Statements were now due by or before March 10, 2025. On March 7, 2025, Employee, by and through counsel, filed a Notice of Settlement and Voluntary Dismissal with Prejudice ("Notice"). Employee cited that the parties had fully executed a settlement agreement as of the date of the Notice and that per the terms of that agreement, a voluntary dismissal withdrawing the appeal with prejudice before this Office was agreed upon. Further, the Notice requested that the upcoming deadlines be vacated given that the parties had reached a settlement in this matter. I have determined that an Evidentiary Hearing is not warranted. The record is now closed.

#### **JURISDICTION**

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

### <u>ISSUE</u>

Whether this appeal should be dismissed based on the parties' settlement of this matter and Employee's voluntary dismissal.

#### 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, on March 7, 2025, Employee filed a Notice of Settlement and Voluntary Dismissal which requested that this matter be dismissed before this Office and all other scheduled deadlines and proceedings be vacated.<sup>3</sup> For these reasons, and pursuant to the aforementioned code provision, I find that Employee's Petition for Appeal should be dismissed with prejudice.

#### **ORDER**

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

FOR THE OFFICE:

/s/ Michelle R. Harris
Michelle R. Harris, Esq.
Senior Administrative Judge

<sup>&</sup>lt;sup>3</sup> By and through the issuance of this Initial Decision, the Prehearing Conference scheduled for March 18, 2025, is hereby vacated.