

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

<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).

### ISSUE

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

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