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

_____)	
In the Matter of:)	
)	
EMPLOYEE ¹ ,)	
Employee)	OEA Matter No. 1601-0010-22
)	
v.)	Date of Issuance: June 14, 2022
D.C. METROPOLITAN POLICE)	
DEPARTMENT,)	MICHELLE R. HARRIS, ESQ.
Agency)	Administrative Judge
)	
_____)	
Francis J. Hill, Esq., Employee Representative)	
Michelle Hersh, Esq., Agency Representative)	

INITIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

On November 5, 2021, 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 suspend him from service for twenty (20) days with ten (10) days held in abeyance for one (1) year. OEA issued a letter on November 23, 2021, requesting Agency submit an Answer to Employee’s Petition for Appeal. On December 20, 2021, Agency filed its Answer to Employee’s Petition for Appeal. On January 5, 2022, Employee filed an Amended Petition for Appeal. Employee also filed a supplement on January 20, 2022. Following mediation in this matter, this was assigned to the undersigned Administrative Judge on June 2, 2022.

On June 3, 2022, Employee, by and through his counsel, filed a Motion to Dismiss citing therein that he and MPD had entered into a settlement agreement and that he was withdrawing his appeal before this Office. Based on the foregoing, I have determined that an Evidentiary Hearing is not warranted in this matter. The record is now closed.

JURISDICTION

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

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

ISSUE

Whether this appeal should be dismissed based upon Employee's Motion to Dismiss and the parties' settlement of this matter.

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, Employee cited in his June 3, 2022 Motion to Dismiss that the parties have agreed upon and executed a settlement agreement. Further, Employee noted his withdrawal of the Petition for Appeal to this Office. Therefore, 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**.

FOR THE OFFICE:

/s/ Michelle R. Harris
MICHELLE R.HARRIS, Esq.
Administrative Judge