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THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	
)	
JOHN CAPOZZI,)	
Employee)	OEA Matter No.: 2401-0132-11
)	
v.)	Date of Issuance: November 13, 2013
)	
OFFICE OF THE CHIEF)	
TECHNOLOGY OFFICER,)	MONICA DOHNJI, Esq.
Agency)	Administrative Judge
_____)	
Douglas Hartnett, Esq., Employee Representative)	
Lindsay Neinast, Esq., Agency Representative)	

INITIAL DECISION

INTRODUCTION AND PROCEDURAL BACKGROUND

On July 14, 2011, John Capozzi (“Employee”) filed a Petition for Appeal with the Office of Employee Appeals (“OEA” or “Office”) contesting the Office of the Chief Technology Officer’s (“OCTO” or “Agency”) decision to terminate him from his position as a Program Manager effective July 8, 2011. On August 18, 2011, Agency submitted its Answer to Employee’s Petition for Appeal.

This matter was initially assigned to Sr. Administrative Judge (“AJ”) Quander. Per the parties’ request, this matter was referred to mediation. In an email dated October 3, 2013, from Agency’s representative, to the Mediator assigned to this matter, Agency’s representative noted that the parties had reached a settlement agreement in this matter. Following Sr. AJ Quander’s retirement from this Office, this matter was reassigned to the undersigned on November 5, 2013. Subsequently, on November 12, 2013, Employee’s representative submitted Employee’s Motion to Dismiss pursuant to the Settlement Agreement. The record is now closed.

JURISDICTION

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

ISSUE

Whether this appeal should be dismissed.

ANALYSIS AND CONCLUSION

In his November 12, 2013, Motion to Dismiss to this Office, Employee stated that on September 30, 2013, the parties reached a settlement agreement that fully resolved the claims in this matter, and as such, he further requested that the appeal be dismissed with prejudice.

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In the instant matter, since the parties have agreed and executed a settlement agreement, and Employee has voluntarily withdrawn his Petition for Appeal, I find that Employee's Petition for Appeal is dismissed.

ORDER

It is hereby **ORDERED** that the Petition for Appeal in this matter is **DISMISSED**.

FOR THE OFFICE:

MONICA DOHNJI, Esq.
Administrative Judge