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THE DISTRICT OF COLUMBIA

BEFORE

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:)
)
MADHUKER OHAL) OEA Matter No. 1601-0050-04
Employee) OEA Matter No. 1601-0188-04
)
v) Date of Issuance: October 4, 2005
)
UNIVERSITY OF THE DISTRICT OF) Muriel A. Aikens-Arnold
COLUMBIA) Administrative Judge
Agency)
_____)

David H. Shapiro, Esq., Employee's Representative
Robin C. Alexander, Esq., University General Counsel

INITIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

On April 4, 2004 and July 29, 2004, Employee, Special Assistant to the Vice President, Student Affairs, filed two (2) separate Petitions for Appeal from Agency's actions to: 1) suspend him from duty without pay for fifteen (15) days, from April 1, 2004 to April 21, 2004 for continued on-duty and employment-related conduct that interferes with the efficiency and integrity of University operations . . . and 2) to separate him from service effective July 15, 2004 for continued on-duty and employment-related conduct which interferes with the efficiency and integrity of University

operations . . .¹

Agency was notified by this Office regarding these appeals on July 15, 2004 and October 14, 2004, respectively, and directed to respond within 30 days. Those responses were filed as directed.

These matters were assigned to this Judge on December 14, 2004. On April 8, 2005, an Order Convening a Prehearing Conference was issued scheduling said conference on May 3, 2005. On April 12, 2005, Agency filed a Consent Motion For Stay of Proceedings due to pending litigation between the same parties in the United States District Court for the District of Columbia, which resolution should be dispositive of the issues before this Office.²

On April 15, 2005, an Order to Stay Proceedings was issued to grant that request. On July 25, 2005, Employee's Counsel filed notice advising that the Court case had been settled and requesting dismissal of the above-captioned matters. Accordingly, the record is closed.

JURISDICTION

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

ISSUE

Whether these appeals may now be dismissed.

¹ Matter No. 1601-0050-04 is the appeal of the 15-day suspension; Matter No. 1601-0188-04 is the appeal of the removal.

² Agency advised that the trial in Civil Action No. 01-2634(JR) was scheduled for July 25, 2005, that this Office would be notified of its conclusion, and that Employee's Counsel consented to the motion.

ANALYSIS AND CONCLUSION

Pursuant to Employee's voluntary request to dismiss these matters and pursuant to the settlement of the concurrent court case, this Judge concludes that these matters should be dismissed.

ORDER

It is hereby ORDERED that these matters are DISMISSED.

Muriel Aikens Arnold

FOR THE OFFICE:

MURIEL A. AIKENS-ARNOLD, ESQ.
Administrative Judge