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THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:)	
)	
DANIEL JAMES)	OEA Matter No. 1601-0009-17
Employee)	
)	Date of Issuance: May 24, 2017
v.)	
DISTRICT OF COLUMBIA PUBLIC LIBRARY)	Lois Hochhauser, Esq.
Agency)	Administrative Judge

Edgar Ndjatou, Esq., Employee Representative
Grace Perry-Gaiter, Esq., Agency Representative
Monika.Taliaferro, Esq., Agency Representative

INITIAL DECISION

INTRODUCTION AND PROCEDURAL BACKGROUND

Daniel James, Employee, filed a petition with the Office of Employee Appeals (OEA) on November 7, 2016, appealing the decision of the District of Columbia Public Library, Agency, to terminate his employment as an Equipment Mechanic, effective October 17, 2016. At the time of the removal, Employee was in career status and held a permanent appointment. The matter was assigned to this Administrative Judge (AJ) on February 2, 2017.

The prehearing conference (PHC) took place on March 8, 2017. An Order was issued on March 14, 2017, memorializing the matters discussed and the decisions reached at the PHC, which included scheduling an evidentiary hearing for May 31, 2017.

On April 14, 2017, the Employee representative emailed the AJ a copy of an unsigned and undated Stipulation of Dismissal. The AJ asked counsel to advise her when the document was filed with OEA, because there was no record of filing. On April 18, 2017, having not received a response, the AJ notified the parties by email that the appeal could not be dismissed until the signed Stipulation was filed with OEA. The following day, counsel for Employee advised the AJ by email that he was mailing the Stipulation to OEA on that date. On April 26, 2017, the AJ notified the parties that the Stipulation had still not been received by OEA. Thereafter, Agency Representative emailed the AJ that Agency had only recently received the Stipulation, and that it would provide its comments to Employee so that the Stipulation could be filed. The AJ responded by advising the parties that if the Stipulation was not filed by May 8, 2017; the parties should file a status report informing the AJ of the anticipated filing date.

The Stipulation of Dismissal with Prejudice was filed with OEA on May 10, 2017. It states, in pertinent part, that the parties resolved the appeal, and that Employee, after discussing the matter with his representative, consented to the dismissal of the appeal. The record closed on

May 10, 2017.

JURISDICTION

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

ISSUE

Should the petition be dismissed?

FINDINGS OF FACT, ANALYSIS AND CONCLUSIONS

Employee filed a Stipulation of Dismissal with Prejudice with OEA on May 10, 2017. The document states that the parties agree to the dismissal of the appeal with prejudice; and that Employee willingly and knowingly consented to the dismissal after discussing the matter with his representative.

D.C. Official Code §1-606.06(b) (2001) provides that a petition for appeal may be dismissed if the parties have settled the matter voluntarily. *See. e.g., Rollins v. District of Columbia Public Schools*, OEA Matter No. J-0086-92, Opinion and Order on Petition for Review (December 3, 1990). The AJ concludes that the Stipulation meets the requirements set forth above. She finds that Employee knowingly and willingly consented to the dismissal of this appeal after discussing the matter with counsel. Based on these findings and conclusions, the AJ concludes that this petition for appeal should be dismissed with prejudice.

The AJ commends the parties on successfully resolving this matter.

ORDER

The petition for appeal is dismissed.

FOR THE OFFICE:

Lois Hochhauser, Esq.
Administrative Judge