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THE DISTRICT OF COLUMBIA  
BEFORE  
THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:	)	
CHUCKIE RUFFIN	)	OEA Matter No. 1601-0043-12
Employee	)	
	)	
v.	)	Date of Issuance: January 13, 2014
	)	
OFFICE OF THE STATE SUPERINTENDENT	)	Lois Hochhauser, Esq.
OF EDUCATION	)	Administrative Judge
Agency	)	
	)	
Ronnie Thaxton, Esq., Employee Representative	)	
Hillary Hoffman-Peak Esq., Agency Representative	)	

**INITIAL DECISION**

INTRODUCTION AND PROCEDURAL BACKGROUND

Chuckie Ruffin, Employee herein, filed a petition with the Office of Employee Appeals (OEA) on December 27, 2011, appealing the decision of the Office of the State Superintendent of Education, Agency herein, to remove him from his position as a Transportation Assistant, effective December 7, 2011. Agency filed a response and a motion to dismiss the appeal, on February 6, 2013. The matter was assigned to me on February 16, 2012.

On February 21, 2012, I issued an Order directing Agency to submit documentation that Employee was “untenured” at the time of his removal to support its motion to dismiss the appeal. Agency was required to file its submission by February 21, 2012 and Employee was given until March 14, 2012 to respond. After the parties responded, they were given the opportunity to present oral argument on the motion and other jurisdictional issues. Following a determination by the undersigned that this Office, at least preliminarily, had jurisdiction to hear this matter, a prehearing conference was held at which the parties agreed to proceed to mediation.

On or about December 11, 2013, the file was returned to the undersigned with a notation that matter had settled. However, the file contained no documentation of settlement or of a request from Employee that the appeal be dismissed. Therefore, on December 16, 2013, I issued an Order directing the parties to advise me if the matter was settled and that if it was settled, that Employee request the dismissal of his appeal. Both parties complied with the January 8, 2014 deadline. Agency submitted a Settlement Agreement signed by Employee and his attorney which required, as one of its terms, that Employee withdraw his petition for appeal with this Office. In

his letter of January 6, 2014, Employee submitted a letter to this Office stating that he agreed with the terms of the settlement and wanted to the dismissal his petition for appeal. The record in this matter closed on January 8, 2014.

### 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

D.C. Official Code §1-606.06(b) (2001) provides that a petition for appeal be dismissed when the parties enter into a voluntary settlement of the matter. *See also, Rollins v. District of Columbia Public Schools*, OEA Matter No. J-0086-92, *Opinion and Order on Petition for Review* (December 3, 1990). The parties have submitted documents supporting the conclusion that they have knowingly and voluntarily settled this matter. As part of the resolution, Employee has requested that his petition for appeal be dismissed. The Administrative Judge commends the parties on their successful resolution of this matter, and concludes that for the reasons provided herein, this petition for appeal should be dismissed.

### ORDER

Based on these findings and conclusions, and consistent with this analysis, it is hereby ordered that the petition for appeal is dismissed.

FOR THE OFFICE:

LOIS HOCHHAUSER, Esq.  
Administrative Judge