

DISTRICT OF COLUMBIA

BEFORE

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:)	
)	
GWENDOLYN GILMORE)	OEA Matter No. 1601-0159-09
Employee)	
)	Date of Issuance: December 4, 2009
v.)	
)	Rohulamin Quander, Esq.
DISTRICT OF COLUMBIA)	Senior Administrative Judge
PUBLIC SCHOOLS)	
Agency)	

Gwendolyn Gilmore, *pro se*, Employee
Sara White, Esq., Agency Representative

INITIAL DECISION

PROCEDURAL BACKGROUND AND FINDINGS OF FACT

On July 13, 2009, Employee, an Elementary School Teacher, ET-15-10, with the D.C. Public Schools (the “Agency”) filed an appeal with the D.C. Office of Employee Appeals (the “Office”) challenging Agency’s decision, effective August 15, 2009, which terminated her from Agency’s employment. On or about August 17, 2009, Agency was notified of the appeal. Agency filed an Answer to the appeal on September 16, 2009, which questioned the competency of her ability to serve as a teacher. Employee challenged Agency’s assessment of her performance, and on September 28, 2009, filed additional documents with the Office to support her assertion that she was indeed competent.

This matter was assigned to me on November 11, 2009. I reviewed the written record as submitted, and found a letter dated November 3, 2009, authored and signed by Employee, requesting that the Office close her case, noting that the matter has been settled. According to Employee’s letter, the terms of settlement include reinstatement to a teaching position and restoration of salary and benefits.

JURISDICTION

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

ISSUE

Whether this matter may now be dismissed.

ANALYSIS AND CONCLUSION

The D.C. Official Code § 1-606.06 (2001) states in pertinent part: “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 instant appeal, and the [Administrative Judge] shall dismiss the appeal with prejudice.” In the instant matter, Employee advised that a Settlement Agreement had been negotiated and executed in settlement of this appeal and that she wished to withdraw the above noted matter with prejudice. Pursuant to Employee’s request, I conclude that this matter may now be dismissed.

ORDER

It is hereby ORDERED that Employee’s request should be granted, and that this matter is DISMISSED.

FOR THE OFFICE:

ROHULAMIN QUANDER, ESQ.
Senior Administrative Judge