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**THE DISTRICT OF COLUMBIA**

**BEFORE**

**THE OFFICE OF EMPLOYEE APPEALS**

_____	)	
In the Matter of:	)	
	)	OEA Matter No.: 1601-0048-20
_____	)	
Employee	)	
	)	Date of Issuance: February 9, 2022
v.	)	
	)	ARIEN P. CANNON, ESQ.
D.C. DEPARTMENT OF RENTAL HOUSING	)	Administrative Judge
COMMISSION,	)	
Agency	)	
_____	)	

David A. Branch, Esq., Employee Representative  
Rahsaan Dickerson, Esq., Agency Representative  
Lauren Schwartz, Esq., Agency Representative

**INITIAL DECISION**

**INTRODUCTION AND PROCEDURAL HISTORY**

Employee filed a Petition for Appeal with the Office of Employee Appeals (“OEA” or “Office”) on June 9, 2020, challenging the District of Columbia Rental Housing Commission’s (“Agency” or “the Commission”) decision to terminate her employment as a Staff Assistant. Pursuant to a letter issued by OEA on August 24, 2020, Agency’s Answer was due on or before September 23, 2020. Agency filed its Answer on September 22, 2020. The undersigned was assigned this matter on December 17, 2020.

A virtual prehearing conference was convened in this matter at on April 1, 2021. Based upon the representations of the parties at the prehearing conference and the documents of record, it was determined that an evidentiary hearing was warranted. An evidentiary hearing was initially scheduled for June 22-24, 2021. On June 8, 2021, Agency filed a Motion to Stay Evidentiary Hearing. This motion was granted on June 17, 2021, and a status conference was convened on July 22, 2021, to address the impending evidentiary hearing. This matter was ultimately reset for an evidentiary hearing on November 3-5, 2021.

On November 2, 2021, the parties filed a Joint Motion to Stay Proceedings, citing a tentative settlement agreement. As such, the evidentiary hearing was stayed and removed from

the calendar. Status Conferences were convened on December 20, 2021, and January 7, 2022, to address the impending settlement agreement. Because a settlement agreement had not been fully executed, and to allow the parties additional time to do so, another status conference was scheduled for February 7, 2022. However, on February 3, 2022, the parties submitted a Joint Motion to Dismiss asserting that a settlement agreement had been reached and reduced to writing. The record is now closed.

### **ISSUE**

Whether Employee's Petition for Appeal should be dismissed based on her withdrawal as a result of a settlement agreement.

### **ANALYSIS AND CONCLUSION**

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.

On February 3, 2022, the parties filed a Joint Motion to Dismiss, pursuant to an executed settlement agreement. Accordingly, I find that Employee's Petition for Appeal should be dismissed as settled.

### **ORDER**

It is hereby **ORDERED** that Employee's Petition for Appeal is **DISMISSED**.

FOR THE OFFICE:

**/s/ Arien P. Cannon**  
ARIEN P. CANNON, ESQ.  
Administrative Judge