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THE DISTRICT OF COLUMBIA

BEFORE

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:)	
)	OEA Matter No.: 1601-0210-11
JOHN CHAPMAN,)	
Employee)	
)	Date of Issuance: November 27, 2013
v.)	
)	
OFFICE OF THE STATE SUPERINTENDENT)	
OF EDUCATION,)	
Agency)	
)	Arien P. Cannon, Esq.
)	Administrative Judge

Michelle Bell, Esq., Employee Representative
Hillary Hoffman-Peak, Esq., Agency Representative

INITIAL DECISION

INTRODUCTION AND PROCEDURAL BACKGROUND

On September 7, 2011, John Chapman (“Employee”) filed a Petition for Appeal with the Office of Employee Appeals (“Office” or “OEA”) challenging the Office of the State Superintendent of Education’s (“Agency” or “OSSE”) decision to terminate him. At the time of the termination, Employee was a Motor Vehicle Operator with Agency.¹ Employee was terminated based on the following cause as outlined in 6-B DCMR § 1603.3: “Any act that constitutes a criminal offense whether or not the act results in a conviction.” The action was also based upon D.C. Official Code § 4-1501.05(c)(7) which provides, “When the Department of Human Resources (DCHR)...resolves[s] criminal background check information issues, the DCHR...shall make the final suitability determinate whether: (d) a current employee shall be retained or employment shall be terminated.” The effective date of Employee’s terminate was September 9, 2011.²

I was assigned this matter on June 18, 2013. The parties requested that this matter be referred to OEA’s mediation division. As such, a mediation was held on November 18, 2013.

¹ See Petition for Appeal (September 7, 2011).

² *Id*, Attachment (September 7, 2011).

Subsequently, a Settlement Agreement, along with a Withdrawal of Appeal, was submitted to this Office on November 26, 2013. The record is now closed.

JURISDICTION

Jurisdiction of this Office is established in this matter pursuant to D.C. Official Code § 1-606.03 (2001).

ISSUE

Whether Employee's Petition for Appeal should be dismissed based on his voluntary withdrawal as a result of settlement negotiations.

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 November 26, 2013, a Withdrawal of Appeal, signed by both parties, was submitted to this Office stating that the parties have reached a settlement and that Employee withdraws his appeal. Accordingly, Employee's Petition for Appeal is hereby **DISMISSED** with prejudice.

ORDER

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

FOR THE OFFICE:

Arien P. Cannon, Esq.
Administrative Judge

cc:

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