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THE DISTRICT OF COLUMBIA

BEFORE

THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	
)	
DEBRA JOHNSON)	OEA Matter No. 1601-0037-13R18
Employee)	
v.)	Date of Issuance: September 24, 2018
)	
DISTRICT OF COLUMBIA PUBLIC SCHOOLS)	Lois Hochhauser, Esq.
Agency)	Administrative Judge
_____)	

Nicole Dillard, Esq., Agency Representative
Rani Rolston, Esq., Employee Representative

DECISION ON REMAND

INTRODUCTION AND PROCEDURAL BACKGROUND

Debra Johnson, Employee, filed a petition with the Office of Employee Appeals (OEA) on December 21, 2012, appealing the decision by the District of Columbia Public Schools, Agency, that she had voluntarily resigned from or abandoned her teaching position on November 23, 2012. In the *Initial Decision* (ID), issued on January 19, 2017, this Administrative Judge (AJ) determined that Agency had not met its burden of proof that Employee had resigned from or abandoned her position. Due to the unusual posture of the case, the AJ directed the parties by dates certain, to determine if Employee qualified for reinstatement, and if so, to reinstate her; and also to determine what benefits, if any, she was entitled to receive; and to pay any benefits to which she was entitled. *Debra Johnson v. District of Columbia Public Schools*, OEA Matter No. 1601-0037-13 (January 19, 2017).

Employee and Agency each filed a Petition for Review with this Board on February 23, 2017. In its *Opinion and Order on Petition for Review*, issued on December 17, 2017, the Board determined that the AJ's decision was supported by substantial evidence. It remanded the matter to the AJ for the limited purpose of clarifying and/or addressing some of the issues related to relief. *Debra Johnson v. District of Columbia Public Schools*, OEA Matter No. 1601-0037-13, *Opinion and Order on Petition for Review* (December 19, 2017).

Upon receiving notification of the remand, the AJ contacted the representatives by email, asking them for available dates to schedule a status conference. After consulting with their clients, they advised the AJ that they wanted to attempt to resolve the matter through negotiations. On February 7, 2018, the AJ issued the first of a number of Orders directing the parties to file status

reports by dates certain. The parties continued to seek additional time to complete negotiations advising the AJ of their progress. Their requests were granted.

On August 22, 2018, Employee emailed the AJ a courtesy copy of the Stipulation of Dismissal that she was filing with OEA. The Stipulation was filed with OEA on August 24, 2018. Upon review of the document, the AJ determined the document alone was insufficient, since it was only signed by Employee, through her representative. The AJ notified the parties that since Agency had separately petitioned the Board for review, it was also required to seek dismissal of its appeal. Agency emailed a courtesy copy of its Stipulation of Dismissal to the AJ on September 12, 2018. Its Stipulation was filed with OEA on September 13, 2018. The record in this matter was then closed.

JURISDICTION

The Office has jurisdiction in this matter pursuant to D.C. Official Code §1-606.3 (2001).

ISSUE

No issue was presented for resolution.

FINDINGS OF FACT, POSITIONS OF PARTIES, ANALYSIS AND CONCLUSIONS

Employee's Stipulation of Dismissal states, in pertinent part, that Employee "willingly and knowingly consents to the dismissal" of this appeal based on the settlement of the matter "after consultation with counsel. Agency's Stipulation of Dismissal similarly states, in pertinent part, that Agency "willingly and knowingly consents to the dismissal" of this appeal based on the settlement of the matter "after consultation with counsel."

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 Stipulations establish that the parties have settled this matter, and voluntarily seek dismissal of their appeals to the Board. Based on these findings and conclusions, the AJ determines that the Petitions for Review filed by the parties on February 23, 2018, should be dismissed.

The AJ commends the parties on the successful resolution of this matter.

ORDER

The Petition for Review filed by each party is dismissed, based on the voluntary settlement of this matter. The matter is hereby closed.

FOR THE OFFICE:

Lois Hochhauser, Esq.
Administrative Judge