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THE DISTRICT OF COLUMBIA
THE OFFICE OF EMPLOYEE APPEALS

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|---------------------------------|---|------------------------------------|
| In the Matter of: |) | |
| |) | |
| EMPLOYEE |) | OEA Matter No. 1601-0031-23 |
| Employee |) | |
| |) | Date of Issuance: January 31, 2024 |
| v. |) | |
| |) | Joseph E. Lim, Esq. |
| DC DEPARTMENT OF TRANSPORTATION |) | Senior Administrative Judge |
| <u>Agency</u> |) | |

INITIAL DECISION

PROCEDURAL HISTORY

Employee filed a Petition for Appeal with the Office of Employee Appeals (“OEA”) on March 2, 2023, appealing the decision of the Department of Public Works (“Agency”) to suspend his employment as a Construction Control Representative (Maintenance) (DS-0809-11) for fifteen (15) days for Neglect of duty and Conduct Prejudicial to the District Government effective February 1, 2023. OEA requested Agency’s response on March 3, 2023, and Agency submitted its response on May 1, 2023, after being granted an extension of time on April 3, 2023. This matter was assigned to me on May 1, 2023. On May 18, 2023, I scheduled a Prehearing Conference for June 12, 2023. Afterwards, I scheduled an Evidentiary Hearing for November 6, 2023. When Employee failed to appear at the hearing, I issued a Show Cause Order on November 6, 2023. Employee submitted a doctor’s note indicating he was treated from November 6 to 8, 2023. In response to my solicitation of proposed dates for a hearing, Agency indicated on December 12, 2023, that it was discussing a possible settlement with Employee. It then submitted a Status Report on December 22, 2023. The parties submitted a January 26, 2024, signed Joint Stipulation of Dismissal, indicating that the parties had settled the matter. The record is closed.

JURISDICTION

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

ISSUE

Should the petition be dismissed?

FINDINGS OF FACT, ANALYSIS AND CONCLUSIONS OF LAW

Since the parties have settled their dispute, Employee's petition for appeal is dismissed.

ORDER

It is hereby ORDERED that this matter is DISMISSED with prejudice.

FOR THE OFFICE:

s/s Joseph Lim

JOSEPH E. LIM, ESQ.
Senior Administrative Judge