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THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	
VIRGINIA ROBINSON,)	
Employee)	OEA Matter No. 1601-0038-18
))	
v.)	Date of Issuance: October 30, 2018
))	
DISTRICT OF COLUMBIA DEPARTMENT OF)	
EMPLOYMENT SERVICES,)	MONICA DOHNJI, Esq.
Agency)	Senior Administrative Judge
_____)	
Dawn Crawford, Employee's Representative	
Rhesha D. Lewis-Plummer, Esq., Agency's Representative	

INITIAL DECISION

INTRODUCTION AND PROCEDURAL BACKGROUND

On March 7, 2018, Virginia Robinson (“Employee”) filed a Petition for Appeal with the D.C. Office of Employee Appeals (“OEA” or “Office”) contesting the Department of Employment Services’ (“DOES” or “Agency”) decision to suspend her for fifteen (15) days. On May 1, 2018, Agency filed a Motion to Dismiss noting that OEA does not have jurisdiction over this matter because Employee’s suspension was reduced to nine (9) days on April 27, 2018.

This matter was assigned to the undersigned on May 2, 2018. Thereafter, on May 8, 2018, the undersigned issued an Order requiring Employee to address the jurisdiction issue raised by Agency. Employee timely submitted her brief on jurisdiction. On May 29, 2018, Agency filed a Consent Motion for Extension of Time to File Agency’s Brief on Jurisdiction. This motion was granted in an Order dated May 30, 2018. Agency filed a Motion to Withdraw Motion to Dismiss on June 19, 2018. Subsequently, a Status/Prehearing Conference was scheduled for July 30, 2018. On July 31, 2018, Agency filed a Consent Motion for Continuance. This Motion was granted in an Order dated August 1, 2018. The Status/Prehearing Conference was rescheduled for August 13, 2018. While Employee and Agency’s representative were present for the Status Conference, Employee’s representative was absent. As such, a Show Cause Order was issued on the same day to Employee and her representative. Employee’s representative submitted a response to the Show Cause Order on August 16, 2018.

On August 17, 2018, the undersigned issued an Order rescheduling the Status/Prehearing Conference for September 11, 2018. Both parties were present for the conference. During the conference, both parties agreed to mediation and the matter was assigned to an OEA mediator. A mediation conference was scheduled for September 25, 2018, and was later rescheduled for October 10, 2018. Prior to the scheduled mediation conference, the parties informed this Office that the matter had been resolved. On October 11, 2018, Agency filed a Motion to Dismiss noting that Agency “rescinded the Final Decision on Proposed Suspension of 15-Days dated February 9, 2018 and the Reduction of 15-Day Suspension dated April 27, 2018. Employee will receive back pay, which could take up to two weeks for processing.”¹ Thereafter, on October 24, 2018, Employee’s representative filed a request to withdraw OEA Matter No. 1601-0038-18, stating that “this matter was settled on October 10, 2018.”² The record is now closed.

JURISDICTION

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

ISSUE

Whether Employee’s Petition for Appeal should be dismissed.

ANALYSIS AND CONCLUSIONS OF LAW

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.

In the instant matter, since the parties have agreed and executed a settlement agreement, I find that Employee's Petition for Appeal is dismissed.

ORDER

It is hereby ORDERED that the Petition for Appeal in this matter is DISMISSED.

FOR THE OFFICE:

MONICA DOHNJI, Esq.
Senior Administrative Judge

¹ See Agency’s Motion to Dismiss, October 11, 2018.

² See Employee’s October 24, 2018 submission.