

Notice: This decision may be formally revised before it is published in the *District of Columbia Register* and the Office of Employee Appeals’ website. Parties should promptly notify the Office Manager of any formal errors so that this Office can correct them before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

**THE DISTRICT OF COLUMBIA**

**BEFORE**

**THE OFFICE OF EMPLOYEE APPEALS**

_____	)	
In the Matter of:	)	
	)	OEA Matter No.: J-0030-18
JESSICA DILLION,	)	
Employee	)	
	)	Date of Issuance: December 18, 2018
v.	)	
	)	
BOARD OF ETHICS AND	)	
GOVERNMENT ACCOUNTABILITY,	)	
Agency	)	
_____	)	

OPINION AND ORDER  
ON  
PETITION FOR REVIEW

Jessica Dillion (“Employee”) worked as a Program Analyst with the D.C. Board of Ethics and Accountability (“Agency”). On January 1, 2018, Agency informed Employee that she was being terminated effective Monday January 8, 2018. On February 7, 2018, Employee filed a Petition for Appeal with the Office of Employee Appeals (“OEA”). An Administrative Judge (“AJ”) was assigned to the matter in February of 2018.

On March 14, 2018, the AJ issued an order requiring Employee to address the issue of jurisdiction because Agency’s answer asserted that Employee was in a probationary status at the time of her termination.<sup>1</sup> On July 12, 2018, the AJ issued an Initial Decision, finding that OEA could exercise jurisdiction over Employee’s appeal because she was no longer in a probationary

<sup>1</sup> *Post-Prehearing Conference Order* (March 14, 2018).

status at time of her termination. Additionally, the AJ concluded that Agency failed to follow the appropriate District of Columbia regulations in administrating the instant adverse action. Consequently, Agency's termination action was reversed; it was ordered to reinstate Employee with back pay and benefits.<sup>2</sup>

Agency disagreed with the Initial Decision and filed a Petition for Review with OEA's Board on August 16, 2018. On October 5, 2018, Employee filed a Motion to Dismiss, stating that her appeal was settled pursuant to the parties' executed Agreement and Release. The motion further requested that Employee's appeal be dismissed with prejudice.<sup>3</sup> Similarly, on October 16, 2018, Agency filed a Notice of Withdrawal of Petition for Review. The notice reiterates that the parties have settled the matter and requests that Agency's petition be dismissed as moot.<sup>4</sup>

In light of Employee's Motion to Dismiss and Agency's request to voluntarily withdraw its petition, the Petition for Review is dismissed.

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<sup>2</sup> *Initial Decision* (July 12, 2018).

<sup>3</sup> *Employee's Motion to Dismiss* (October 5, 2018).

<sup>4</sup> *Agency's Notice of Withdrawal of Petition for Review* (October 5, 2018).

**ORDER**

Accordingly, it is hereby ordered that Agency's Petition for Review is **DISMISSED**.

**FOR THE BOARD:**

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Clarence Labor, Chair

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Vera M. Abbott

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Patricia Hobson Wilson

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Jelani Freeman

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Peter Rosenstein

Either party may appeal this decision on Petition for Review to the Superior Court of the District of Columbia. To file a Petition for Review with the Superior Court, the petitioning party should consult Superior Court Civil Procedure Rules, XV. Agency Review, Rule 1.