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THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	
)	
EMPLOYEE,)	
Employee)	OEA Matter No. J-0038-19
)	
v.)	Date of Issuance: November 1, 2021
)	
DEPARTMENT OF)	
CORRECTIONS,)	
Agency)	ERIC T. ROBINSON, ESQ.
)	SENIOR ADMINISTRATIVE JUDGE
_____)	
Ann-Kathryn So, Esq., Employee Representative		
Milena Mikailova, Esq., Agency Representative		

INITIAL DECISION¹

INTRODUCTION AND PROCEDURAL HISTORY

By letter date August 27, 2018, Employee was informed that the District of Columbia Department of Corrections (“DOC” or “the Agency”) was removing him from service for the following charges: Failure/Refusal to Follow Instructions, Negligence and False Statements/Records. Employee’s last position of record was Correctional Officer and the effective date of his removal from service was August 29, 2018. This matter was assigned to the Undersigned Administrative Judge on April 5, 2019. On April 12, 2019, the Undersigned issued an Order requiring Employee to address a possible issue as to whether the OEA may exercise jurisdiction over this matter. After reviewing the parties’ submissions, the Undersigned determined that the OEA had authority to exercise jurisdiction over this matter. Thereafter, a Prehearing/Status Conference was scheduled and then rescheduled at the behest of the parties. It was ultimately determined that an Evidentiary Hearing was required. Initially, the Evidentiary Hearing was scheduled for December 5, 2019. At the parties’ joint request, the Evidentiary Hearing was

¹ This decision was issued during the District of Columbia's COVID-19 State of Emergency.

rescheduled for March 5, 2020. The Evidentiary Hearing was held as scheduled; however, it was clear that at least one more day of hearing was necessary. Unfortunately, that second day became delayed due to constraints imposed by the District of Columbia State of Emergency caused by the Coronavirus Covid-19 pandemic. Due to constraints imposed by this ongoing State of Emergency, the scheduling of the second day of Hearing was delayed. During this time, the parties engaged in settlement talks on their own accord. The mediation process was protracted but ultimately successful. On April 6, 2021, the Undersigned was informed, via electronic mail, that the parties had settled this matter. After another protracted delay in codifying and executing the Settlement Agreement, on October 29, 2021, Employee, through counsel, submitted his Notice of Withdrawal with Prejudice that the parties had settled this matter and that he was moving the OEA to dismiss his petition for appeal. After reviewing the documents of record, I have determined that no further proceedings are warranted. The record is now closed.

JURISDICTION

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

ISSUE

Whether this matter should be dismissed.

ANALYSIS AND CONCLUSION

Since Employee voluntarily withdrew his petition for appeal, I find that Employee's Petition for Appeal should be dismissed.

ORDER

Based on the foregoing, it is hereby ORDERED that the above-captioned Petition for Appeal be dismissed.

FOR THE OFFICE:

/s/ Eric T. Robinson
Eric T. Robinson, Esq.
Senior Administrative Judge