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THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:)	
EMPLOYEE ¹)	OEA Matter No. 1601-0055-24
Employee)	
v.)	Date of Issuance: February 13, 2025
DISTRICT OF COLUMBIA METROPOLITAN)	Lois Hochhauser, Esq.
POLICE DEPARTMENT)	Administrative Judge
Agency)	
Daniel McCartin, Esq., Employee Representative		
Lauren Schwartz, Esq., Agency Representative		

INITIAL DECISION

INTRODUCTION AND PROCEDURAL BACKGROUND

On May 30, 2024, Employee filed a Petition for Appeal (“PFA”) with the District of Columbia Office of Employee Appeals (“OEA”), challenging the decision of the District of Columbia Metropolitan Police Department (“Agency”) to suspend him indefinitely without pay. OEA Executive Director Sheila Barfield notified Chief of Police Pamela Smith of the appeal on May 31, 2024, and advised her of the June 30, 2024 deadline for Agency to file its answer. Agency filed its Answer to Petition on June 24, 2024. This Administrative Judge (“AJ”) was appointed to hear the appeal on or about July 30, 2024.

On August 22, 2024, Agency filed its “Motion to Dismiss, or in the Alternative, Motion for Summary Disposition.” On August 29, 2024, the parties filed a consent motion to extend the deadline for Employee to file his response. By Order issued on September 3, 2024, Agency was directed to provide certain information by October 3, 2024. Employee filed his Opposition to Agency’s Motions on September 13, 2024. Agency submitted its response to the Order October 1, 2024. On January 3, 2025, Agency filed a Motion to Dismiss. The parties filed a joint motion to extend Employee’s filing deadline on January 23, 2025. The AJ granted the motion by Order issued on January 27, 2025, extending the filing deadline to February 6, 2025. On February 6, 2025, the parties filed their “Joint *Praecipe* to Withdraw (1) Agency’s Motion to Dismiss, and (2) Employee’s Petition for Appeal” (“Joint *Praecipe*”). The record in this matter closed on that date.

¹ This Office does not identify employees filing appeals by name in the published decisions on its website.

JURISDICTION

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

ISSUE

Should the petition be dismissed?

FINDINGS OF FACT, ANALYSIS AND CONCLUSIONS

This Office's jurisdiction was initially established by the District of Columbia Comprehensive Merit Personnel Act of 1978 ("CMPA") and then amended by the Omnibus Personnel Reform Amendment Act of 1998, D.C. Law 12-124 ("OPRAA"). Both the CMPA and OPRAA confer jurisdiction on this Office to hear appeals of adverse actions, including suspensions of at least ten days. *See also*, OEA Rule 604.1. Therefore, at the time this decision was issued, this Office preliminarily determined that it had jurisdiction of this matter.

In the Joint *Praecipe*, Employee agreed to withdraw this PFA and Agency agreed to withdraw its pending motion. The parties requested that the AJ approve both requests. Based on the voluntary resolution of this matter by the parties, the AJ grants these requests. Both Agency's motion to dismiss and Employee's appeal are dismissed.²

ORDER

The Petition for Appeal is dismissed.



Lois Hochhauser, Esq.
Administrative Judge

FOR THE OFFICE:

² The parties are commended on the successful resolution of this matter.

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