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**THE DISTRICT OF COLUMBIA**

**BEFORE**

**THE OFFICE OF EMPLOYEE APPEALS**

_____	)	
In the Matter of:	)	
	)	OEA Matter No.: 1601-0224-12
DARLENE KENNERLY,	)	
Employee	)	
	)	Date of Issuance: June 15, 2015
v.	)	
	)	
D.C. PUBLIC SCHOOLS,	)	
Agency	)	Sommer J. Murphy, Esq.
_____	)	Administrative Judge
Karl Chen, Esq., Employee Representative		
Carl Turpin, Esq., Agency Representative		

**INITIAL DECISION**

**INTRODUCTION AND PROCEDURAL HISTORY**

On August 28, 2012, Darlene Kennerly (“Employee”) filed a Petition for Appeal with the Office of Employee Appeals (“OEA” or the “Office”) contesting the District of Columbia Schools’ (“Agency” or “DCPS”) action of terminating her employment. Employee was removed based on receiving a “Minimally Effective” rating under Agency’s IMPACT program for the 2010-2011 and 2011-2012 school years.<sup>1</sup> Employee’s termination became effective on August 20, 2012.

I was assigned this matter in November of 2013. On November 25, 2013, I issued an Order scheduling a Prehearing Conference for the purpose of assessing the parties’ arguments. The Prehearing Conference was rescheduled to be held on March 13, 2014, due to scheduling conflicts. An Order scheduling an Evidentiary Hearing was issued on March 13, 2014. On June 9, 2014, the parties submitted a Consent Motion for Continuance of a Hearing.

A Status Conference was held on October 2, 2014. The matter was then referred to OEA’s mediation program so that the parties could attempt to reach a settlement. However, Agency did not appear for the scheduled mediation. A telephonic Prehearing Conference was

<sup>1</sup> IMPACT is the effectiveness assessment system, utilized by D.C. Public Schools, to rate the performance of school-based personnel.

subsequently held on December 18, 2014 for the purpose of identifying witnesses and exhibits to be introduced during the Evidentiary Hearing.

Due to additional scheduling conflicts, the Evidentiary Hearing was rescheduled for March 5, 2015. On the date of the hearing, the parties opted to engage in settlement negotiations. On May 29, 2014, the parties indicated, via email, that a Settlement Agreement was executed. In response, I reminded the parties that a signed withdrawal of Employee's Petition for Appeal was required in order to dismiss this matter. Because I did not receive a written withdrawal, I issued an Order for Statement of Good Cause to Employee on June 3, 2015. On June 12, 2015, Employee submitted a withdrawal of her Petition for Appeal. 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 this appeal should be dismissed.

### ANALYSIS AND CONCLUSION

On May 29, 2015, the parties stipulated, via email, that this matter has been resolved, and that a Settlement Agreement was signed by both Agency and Employee. Accordingly, I find that the parties have fully settled this matter. As such, Employee's Petition for Appeal is hereby dismissed.

### ORDER

It is **ORDERED** that Employee's Petition for Appeal is **DISMISSED**.

FOR THE OFFICE:

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SOMMER J. MURPHY, ESQ.  
ADMINISTRATIVE JUDGE