

Notice: This decision may be formally revised before it is published in the District of Columbia Register and on 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:	)	
	)	
VALERIE JOHNSON	)	OEA Matter No. 1601-0089-14
Employee	)	
	)	Date of Issuance: June 29, 2016
v.	)	
	)	Lois Hochhauser, Esq.
DISTRICT OF COLUMBIA OFFICE OF	)	Administrative Judge
UNIFIED COMMUNICATIONS	)	
Agency	)	
_____	)	
Robert Shore, Esq., Employee Representative	)	
Lindsay Neinast, Esq., Agency Representative	)	
Janea Raines, Esq., Agency Representative	)	

**INITIAL DECISION**

INTRODUCTION AND PROCEDURAL BACKGROUND

Valerie Johnson, Employee, filed a petition with the Office of Employee Appeals (OEA) on June 19, 2014, appealing the final decision of the District of Columbia Office of Unified Communications, Agency, to terminate her employment as a Telecommunication Equipment Operator, effective May 25, 2014. The matter was assigned to this Administrative Judge (AJ) on August 25, 2014.

During subsequent months, procedural and substantive challenges raised by the parties were resolved and it was determined that the matter would proceed to a hearing. The Order scheduling the hearing was issued on January 12, 2016.

At the March 30, 2016, evidentiary hearing, the parties presented testimonial and documentary evidence.<sup>1</sup> At the close of the hearing, the parties decided they would attempt to resolve the matter by mediation, and the matter was immediately referred to mediation. The deadline for the submission of closing written arguments was held in abeyance pending the outcome of mediation. The Order memorializing these matters was issued on April 4, 2016.

On May 25, 2016, the AJ issued an Order stating that she had recently been notified that mediation had been successful. She directed Employee to submit a request seeking to withdraw the appeal or show good cause why dismissal was not appropriate by June 26, 2016... The parties were

<sup>1</sup> Witnesses were sworn and the proceedings were transcribed.

notified that unless they were advised to the contrary, the record would close on that date, and the appeal would be dismissed. On June 14, 2016, Employee filed “Employee’s Notice of Withdrawal of Case with Prejudice,” asking to withdraw the appeal based on the successful resolution of the matter. The record then closed.

Throughout these proceedings, Robert Shore, Esq., Assistant General Counsel, National Association of Government Employees, represented Employee. Agency was represented initially by Lindsay Neinast, Esq., and then by Janea Raines, Esq..

### JURISDICTION

The Office has jurisdiction in this matter pursuant to D.C. Official Code §1-606.3 (2001).

### ISSUE

Should this matter be dismissed?

### FINDINGS OF FACT, ANALYSIS AND CONCLUSIONS OF LAW

On June 14, 2016, Employee filed a document entitled: “Employee’s Notice of Withdrawal of Case with Prejudice.” It stated, in pertinent part:

The Parties, through the OEA Mediation Program, were able to come to an amicable resolution of this matter. Therefore Employee withdraws the above captioned case, as settled, with prejudice.

D.C. Official Code §1-606.06(b) (2001) provides that a petition for appeal will be dismissed when the parties enter into a voluntary settlement of the matter. *See e.g., Rollins v. District of Columbia Public Schools*, OEA Matter No. J-0086-92, *Opinion and Order on Petition for Review* (December 3, 1990). In this matter, Employee seeks to withdraw her appeal based on the “amicable resolution” of the appeal. It appears that her request was made knowingly and voluntarily. The AJ concludes that Employee’s request to withdraw the petition for appeal based on the resolution of this matter should be granted, and that this petition for appeal should be dismissed.

### ORDER

It is hereby:

ORDERED: The petition for appeal is dismissed.<sup>2</sup>

FOR THE OFFICE:

\_\_\_\_\_  
Lois Hochhauser, Esq.  
Administrative Judge

<sup>2</sup> This resolution demonstrates that mediation can be successful at any time in the appeal process. The parties are commended for agreeing to mediation after the completion of the proceeding and for their subsequent efforts which led to the resolution of this appeal.