

DISTRICT OF COLUMBIA

BEFORE

THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	
)	
CLAYTON R. SMITH)	OEA Matter No. 1601-0061-09
Employee)	
)	Date of Issuance: November 24, 2009
v.)	
)	Rohulamin Quander, Esq.
DISTRICT OF COLUMBIA)	Senior Administrative Judge
METROPOLITAN POLICE)	
Agency)	
_____)	

Clayton R. Smith, Employee, *pro se*
Teresa Quon Hyden, Esq., Agency Representative

INITIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

On December 12, 2008, Employee, a Sworn Office with the D.C. Metropolitan Police Department (the “Agency”), filed a Petition for Appeal with the D.C. Office of Employee Appeals (the “Office”), taking exception with Agency’s final decision, effective November 12, 2008, which imposed a 15-day suspension as a result of alleged misconduct, i.e., failure to obey an order from a superior officer.

This matter was assigned to me on June 12, 2009. I convened a Pre-hearing Conference on July 23, 2009, and subsequently scheduled an Evidentiary Hearing for October 27, 2009. When the parties later advised me that they were close to reaching a settlement. I then rescheduled the Evidentiary Hearing for November 25, 2009, to allow more time for negotiation. The parties have subsequently settled this matter. Employee filed a motion to advise the Office of the settlement, further indicating that there was no need for a hearing. The Office received a *Settlement Agreement* dated November 20, 2009, which document indicated that Employee and Agency had reached a negotiated settlement. A copy of the Settlement Agreement was attached.

JURISDICTION

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

ISSUE

Whether this matter may now be dismissed.

ANALYSIS AND CONCLUSION

The D.C. Official Code § 1-606.06 (2001) states in pertinent part: “If the parties agree to a settlement without a decision on the merits of the case, a settlement agreement, prepared and signed by all parties, shall constitute the final and binding resolution of the instant appeal, and the [Administrative Judge] shall dismiss the appeal with prejudice.” In the instant matter, the parties advised that a signed Settlement Agreement had been negotiated and executed in settlement of this appeal. I conclude that this appeal can now be dismissed.

ORDER

It is hereby ORDERED that this matter is DISMISSED.

FOR THE OFFICE:

ROHULAMIN QUANDER, Esq.
Senior Administrative Judge