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THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:)	
)	
EMPLOYEE ¹ ,)	
Employee)	OEA Matter No. 1601-0091-19
)	
v.)	Date of Issuance: January 25, 2022
)	
METROPOLITAN POLICE DEPARTMENT,)	MONICA DOHNJI, Esq.
Agency)	Senior Administrative Judge
)	
Ann-Kathryn So, Esq., Employee's Representative		
Teresa Quon Hyden, Esq., Agency's Representative		

INITIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

On February 4, 2019, Employee filed a Petition for Appeal with the Office of Employee Appeals (“OEA”) contesting the Metropolitan Police Department’s (“Agency”) decision to demote him from the rank of Lieutenant to the rank of Sergeant, effective January 6, 2019. OEA issued a Request for Agency Answer to Petition for Appeal on September 23, 2019. Thereafter, on October 21, 2019, Agency filed its Answer to Employee’s Petition for Appeal. Following a failed mediation attempt, this matter was assigned to the undersigned on January 8, 2020.

On January 17, 2020, the undersigned issued an Order Convening a Status/Prehearing Conference for February 12, 2020. Following several requests for extensions by both parties, the undersigned was informed that the parties were engaged in out-of-court settlement negotiations. After several months of negotiations, the undersigned was notified in an email dated January 14, 2022, that the parties had executed a settlement agreement. Employee also included Employee’s Notice of Withdrawal with Prejudice, to the email stating as follow: “Employee, Michael Whiteside, through his designated representatives, HANNON LAW GROUP, LLP, respectfully submits this Notice of Withdrawal with Prejudice of this matter on appeal: 1601-0091-19. The

¹ Employee’s name was removed from this decision for the purposes of publication on the Office of Employee Appeals’ website.

parties have settled their dispute and agree to abide by the terms of their Settlement Agreement. As such, Employee Michael Whiteside hereby withdraws his Petition for Appeal in this matter, with prejudice.” An official copy of this withdrawal notice was received by OEA on January 20, 2022. 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 Employee’s Petition for Appeal should be dismissed.

ANALYSIS AND CONCLUSIONS OF LAW

D.C. Official Code §1-606.06(b) (2001) states in pertinent part that:

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 appeal, and the [Administrative Judge] shall dismiss the appeal with prejudice.

In the instant matter, since the parties have agreed and executed a settlement agreement, and the parties have requested that the matter be dismissed, I find that Employee's Petition for Appeal should be dismissed.

ORDER

It is hereby **ORDERED** that the Petition for Appeal in this matter is **DISMISSED**.

FOR THE OFFICE:

/s/ Monica N. Dohnji
MONICA DOHNJI, Esq.
Senior Administrative Judge