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THE DISTRICT OF COLUMBIA

BEFORE

THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	
)	OEA Matter No.: 1601-0002-19
EMPLOYEE,)	
)	
)	Date of Issuance: June 24, 2021
v.)	
)	ARIEN P. CANNON, ESQ.
METROPOLITAN POLICE DEPARTMENT,)	Administrative Judge
Agency)	
)	
_____)	

Wynter Allen, Esq., Employee Representative
Teresa Quon Hyden, Esq., Agency Representative

INITIAL DECISION¹

INTRODUCTION AND PROCEDURAL HISTORY

On October 4, 2018, Employee filed a Petition for Appeal with the Office of Employee Appeals (“Office” or “OEA”) challenging the Metropolitan Police Departments’ (“Agency”) decision to suspend her for twenty (20) days from her position as a Lieutenant. Agency filed its Answer on November 5, 2018. I was assigned this matter on February 5, 2019.

An Order was issued on February 11, 2019, scheduling a prehearing conference for March 12, 2019. After several continuance and extension requests, and the granting of these requests, the prehearing conference was held virtually on September 14, 2020. On September 10, 2020, MPD filed a motion to dismiss, and Employee filed an opposition on November 6, 2020. An order denying Agency’s motion to dismiss was issued on December 3, 2020. A second virtual prehearing conference convened on February 2, 2021, which scheduled this matter for an evidentiary hearing on April 28-29, 2021. Prior to the evidentiary hearing, the parties indicated that a settlement agreement had been reached. On June 9, 2021, Employee submitted a withdrawal of her appeal pursuant to the settlement agreement. The record is now closed.

¹ This decision was issued during the District of Columbia’s COVID-19 State of Emergency.

ISSUE

Whether Employee's Petition for Appeal should be dismissed based on her voluntary withdrawal as a result of a settlement agreement.

ANALYSIS AND CONCLUSION

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.

On June 9, 2021, Employee filed a Notice of Withdrawal. Accordingly, I find that Employee's Petition for Appeal should be dismissed as settled.

ORDER

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

FOR THE OFFICE:

/s/ Arien P. Cannon
ARIEN P. CANNON, ESQ.
Administrative Judge