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THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:)	
)	
TYRONE NEAL)	OEA Matter No. 1601-0123-15
Employee)	
)	
v.)	Date of Issuance: August 15, 2016
)	
DISTRICT OF COLUMBIA DEPARTMENT)	Lois Hochhauser, Esq.
OF PUBLIC WORKS)	Administrative Judge
Agency)	

Nada Paisant, Esq., Agency Representative
Clifford Lowery, Employee Representative
Gina Walton, Employee Representative¹

INITIAL DECISION

INTRODUCTION AND PROCEDURAL BACKGROUND

Tyrone Neal, Employee, filed a petition with the Office of Employee Appeals (OEA) on August 13, 2015, appealing the decision of the District of Columbia Department of Public Works, Agency, to suspend him for 20 days without pay, from his position of Lead Parking Enforcement Officer, effective July 27, 2015. At the time of the suspension, Employee had career status and held a permanent appointment. The matter was assigned to me on January 11, 2016.

At the March 3, 2016 prehearing conference, the parties agreed to avail themselves of the mediation services offered by this Office, but also requested that a hearing be scheduled. The evidentiary hearing was scheduled for May 3, 2016; and the matter was immediately referred for mediation. By Order dated March 7, 2016, these decisions were memorialized, and parties were directed to file joint or separate status reports by April 6, 2016. On April 14, 2016, I issued an Order granting Agency's unopposed request, contained in its April 6, 2016 status report, that the hearing be postponed since the parties were independently pursuing settlement. In the joint status report filed on May 18, 2016, the parties stated that they were close to resolving the matter, and stated that when they reached settlement, Employee would withdraw his appeal.

¹ Although Mr. Lowery entered an appearance in this matter and attended the prehearing conference, the Employee's Notice of Withdrawal of Appeal was signed by Gina Walton as Employee Representative. Therefore, both Mr. Lowery and Ms. Walton are listed as representatives.

In Employee's Notice of Withdrawal of Appeal, filed on July 29, 2016, Employee stated that pursuant to the terms of the parties' settlement agreement, Employee "withdraws his pending petition for appeal of his suspension with prejudice." The record in this matter closed on July 29, 2016.

JURISDICTION

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

ISSUE

Should the petition be dismissed?

FINDINGS OF FACT, ANALYSIS AND CONCLUSIONS

D.C. Official Code §1-606.06(b) (2001) provides for the dismissal of a petition for appeal when the parties enter into a voluntary settlement of the matter. *See also, 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 submitted a request to withdraw his appeal based on the voluntary settlement agreement executed by the parties. The request is granted, and the parties are commended on their successful resolution of this matter. For the reasons provided herein, it is concluded that this petition for appeal should therefore be dismissed.

ORDER

Based on these findings and conclusions, and consistent with this analysis, the petition for appeal is dismissed.

FOR THE OFFICE:

Lois Hochhauser, Esq.
Administrative Judge