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THE DISTRICT OF COLUMBIA

BEFORE

THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	
)	
BETTY THAMES,)	
Employee)	OEA Matter No. 2401-0144-10-R14
)	
v.)	Date of Issuance: May 2, 2016
)	
D.C. PUBLIC SCHOOLS,)	
Agency)	Eric T. Robinson, Esq.
)	Senior Administrative Judge
_____)	
Clarissa T. Edwards, Esq., Employee's Representative)	
Nicole C. Dillard, Esq., Agency's Representative)	

INITIAL DECISION ON REMAND

INTRODUCTION AND PROCEDURAL HISTORY

On November 13, 2009, Betty Thames ("Employee") filed a petition for appeal with the Office of Employee Appeals ("the OEA" or "the Office") contesting the District of Columbia Public Schools' ("Agency" or "DCPS") action of terminating her employment through a Reduction-in-Force ("RIF"). The effective date of the RIF was November 2, 2009. Employee's position of record at the time her position was abolished was Business Manager at Transition Academy.

I was initially assigned this matter on February 6, 2012. On February 9, 2012, I ordered the parties to submit written briefs on the issue of whether Agency conducted the instant RIF in accordance with all applicable District laws, statues, and regulations. Due to a typographical in said order, on February 15, 2012, I sent out an Amended Order which provided the parties with additional time in which to submit their respective briefs. Both parties submitted their respective responses to the order. After receiving the parties' submissions, I issued an Initial Decision on May 21, 2012, wherein I upheld Agency action of separating Employee from service through a RIF.

Thereafter, on August 24, 2012, Employee filed an Appellant's Brief, which was recognized by the OEA as a Petition for Review. This matter went before the Board of the OEA who issued an Opinion and Order on Petition for Review in this matter in December 17, 2013. In pertinent part, the Board of the OEA opted to remand this matter to the Undersigned for further review of Employee's claims. Thereafter, the Undersigned made numerous attempts to schedule a Status Conference in this matter in order to prepare for continued litigation. For various reasons, several dates were rescheduled. Eventually, the parties appeared for a conference on July 29, 2014. During the conference, the parties expressed strong interest in settling this matter without further adjudication. This matter was referred to the OEA's Mediation Department. Thereafter, the parties took a protracted amount of time in settlement talks. On April 29, 2016, the parties submitted a Stipulation of Dismissal executed by both Agency and Employee Representatives', wherein the parties requested that this matter be dismissed. After reviewing the documents of record, I have determined no further proceedings are warranted. The record is now closed.

JURISDICTION

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

ISSUE

Whether this matter should be dismissed.

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

I am guided by the OEA rules in this matter. OEA 606.2¹ provides that "the Office shall exert every possible effort to resolve matters by mediation, to the extent possible, rather than through litigation." Furthermore, OEA Rule 606.11 states that "if the parties reach a settlement, the matter shall be dismissed in accordance with D.C. Official Code § 1-606.06(b) (2006 Repl.)." It is evident from the record that the parties have settled their differences in this matter. Accordingly, I find that Employee's Petition for Appeal should be dismissed in accordance with OEA Rule 606.11.

¹ 59 DCR 2129 (March 16, 2012).

ORDER

Based on the foregoing, it is hereby ORDERED that this matter be DISMISSED.

FOR THE OFFICE:

Eric T. Robinson, Esq.
Senior Administrative Judge