

Notice: This decision may be formally revised before it is published in the *District of Columbia Register*. Parties should promptly notify the Office Manager of any formal errors so that this Office can correct them before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

THE DISTRICT OF COLUMBIA

BEFORE

THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	
)	OEA Matter No.: 1601-0176-12
WAYNE JONES,)	
Employee)	
)	Date of Issuance: February 19, 2013
v.)	
)	
OFFICE OF THE STATE SUPERINTENDENT)	
OF EDUCATION,)	
Agency)	
_____)	Arien P. Cannon, Esq.
Wayne Jones, Employee, <i>Pro se</i>)	Administrative Judge
Hillary Hoffman-Peak, Esq., Agency Representative)	

INITIAL DECISION

Employee filed a Petition for Appeal with the Office of Employee Appeals (“OEA”) on August 2, 2012, challenging the Office of the State Superintendent of Education’s (“Agency”) decision to remove him from his position as a Bus Driver (Motor Vehicle Operation).¹ The effective date of Employee’s termination was July 2, 2012.² In accordance with D.C. Official Code § 1-606.06(a), a mandatory mediation was held on January 15, 2013. Subsequently, a Settlement Agreement, along with a Withdrawal of Appeal, was submitted to this Office on January 31, 2013. The withdrawal indicates that the parties have reached a settlement in this matter. This matter was assigned to me on February 13, 2013. The record is now closed.

JURISDICTION

Jurisdiction of this Office is established in this matter pursuant to D.C. Official Code § 1-606.03 (2001).

¹ See Petition for Appeal (August 2, 2012).

² See Petition for Appeal, Attachment (August 2, 2012).

ISSUE

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

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 January 31, 2013, a Withdrawal of Appeal, signed by both parties, was submitted to this Office stating that the parties have reached a settlement and that Employee withdraws his appeal. Accordingly, Employee's Petition for Appeal is hereby **DISMISSED**.

ORDER

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

FOR THE OFFICE:

Arien P. Cannon, Esq.
Administrative Judge