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THE DISTRICT OF COLUMBIA

BEFORE

THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	
)	
EMPLOYEE,)	
Employee)	OEA Matter No. 1601-0017-23-R23
)	
v.)	Date of Issuance: September 3, 2024
)	
DISTRICT OF COLUMBIA)	
DEPARTMENT OF YOUTH)	
REHABILITATION SERVICES,)	
Agency)	ERIC T. ROBINSON, ESQ.
)	SENIOR ADMINISTRATIVE JUDGE
_____)	
Regina Robinson, Union Representative)	
Daniel Thaler, Esq., Agency Representative)	

INITIAL DECISION ON REMAND

INTRODUCTION AND PROCEDURAL HISTORY

Employee's position of record was Youth Development Representative, Grade 8, Step 10. By letter dated December 2, 2022, the District of Columbia Department of Youth Rehabilitation Services ("Agency") notified Employee of its Final Decision to suspend her from service for 14 (fourteen) days due to two Agency sustained allegations of Conduct Prejudicial to the District of Columbia Government and one Agency sustained allegation of Failure/Refusal to Follow Instructions. On December 22, 2022, Employee filed a Petition for Appeal contesting the Agency's adverse action of suspending her from service. Thereafter, by letter dated December 23, 2022, the Agency was instructed by the OEA Executive Director to provide an Answer to Employee's Petition for Appeal by January 22, 2023. Agency timely complied with this directive on January 19, 2023. On January 24, 2023, the Undersigned issued an Order Convening a Prehearing/Status Conference. The conference was scheduled for February 23, 2023. For ease of attendance, the conference was held virtually using the WebEx video conferencing tool. Pursuant to this Order, Employee was also required to submit a written Prehearing Statement by February 16, 2023. Employee did not submit her Prehearing Statement and she did not appear for the Prehearing/Status Conference. Agency timely submitted its Prehearing Statement, and its Representative was present and ready to proceed for the conference. On February 23, 2023, the

Undersigned issued an Order for Statement of Good Cause to Employee. That Order required Employee to explain her failure to appear for the Prehearing/Status Conference and it required her to submit her missing Prehearing Statement. Due to a clerical error with Employee's address, this Order was reissued on March 27, 2023. Employee's response was due by April 7, 2023. Employee did not respond and consequently, on April 11, 2023, the Undersigned issued an Initial Decision ("ID") wherein Employee's matter was dismissed due to Employee's failure to prosecute her appeal.

Employee filed a Petition for Review with the Board of the Office of Employee Appeals ("the OEA Board") contesting the ID. The OEA Board issued its Opinion and Order on Petition for Review ("O&O") on July 13, 2023. As part of the O&O, this matter was remanded back to the Undersigned for a decision on its merits. Soon thereafter, Employee's Union representative entered her appearance. After multiple conferences and an Evidentiary Hearing date agreed upon, the parties opted to enter settlement negotiations on their own accord. Thankfully, the negotiations were successful and on September 3, 2024, the parties submitted a Joint Motion to Dismiss with Prejudice. This motion indicated that a settlement agreement had been finalized and that the parties jointly moved this body to dismiss this matter in accordance with this agreement. After reviewing the documents of record, I find that no further proceedings are warranted. 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 this matter should be dismissed.

BURDEN OF PROOF

OEA Rule 631.1, 6-B DCMR Ch. 600 (December 27, 2021) states:

The burden of proof for material issues of fact shall be by a preponderance of the evidence. "Preponderance of the evidence" shall mean:

That degree of relevant evidence which a reasonable mind, considering the record as a whole, would accept as sufficient to find a contested fact more probably true than untrue.

OEA Rule 631.2 id. States:

For appeals filed under §604.1, the employee shall have the burden of proof as to issues of jurisdiction, including timeliness of filing. The agency shall have the burden of proof as to all other issues.

FINDINGS OF FACTS, ANALYSIS AND CONCLUSIONS OF LAW

I am guided by the OEA rules in this matter. OEA Rule 607.11 states that “if the parties reach a settlement, the matter shall be dismissed in accordance with D.C. Official Code § 1-606.06(b).” The parties have submitted a Joint Motion to Dismiss with Prejudice moving that this matter be dismissed due to the parties finalizing a settlement agreement. Accordingly, I find that Employee’s Petition for Appeal should be dismissed in accordance with OEA Rule 607.11.

ORDER

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

FOR THE OFFICE:

/s/ Eric T. Robinson

ERIC T. ROBINSON, ESQ.
SENIOR ADMINISTRATIVE JUDGE