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THE DISTRICT OF COLUMBIA

BEFORE

THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	
)	OEA Matter No.: 1601-0041-19
TEMEKA SMITH,)	
Employee)	
)	Date of Issuance: November 4, 2019
v.)	
)	ARIEN P. CANNON, ESQ.
D.C. DEPARTMENT OF CORRECTIONS,)	Administrative Judge
Agency)	
)	
_____)	

Jeanett P. Henry, Esq., Employee Representative
Ryan Martini, Esq., Agency Representative

INITIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

Temeka Smith (“Employee”) filed a Petition for Appeal with the Office of Employee Appeals (“OEA”) on March 28, 2019, challenging the District of Columbia Department of Corrections’ (“Agency”) decision to remove her from her position as a Lead Correctional Officer. Agency filed its Answer on April 22, 2019. I was assigned this matter on June 11, 2019.

A Prehearing Conference was convened on July 30, 2019. Based upon the representations of the parties at the Prehearing Conference, and upon review of the record, this matter was set for an evidentiary hearing scheduled for October 29, 2019. On October 28, 2019, Employee, by and through counsel, submitted a Notice of Dismissal with Prejudice to this Office. The record is now closed.

JURISDICTION

This Office has jurisdiction in this matter pursuant to D.C. Official Code § 1-606.03 (2001).

ISSUE

Whether Employee's Petition for Appeal should be dismissed based on a voluntary withdrawal through a Notice of Dismissal.

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.

Here, in accordance with OEA Rule 606.11, Employee submitted a Notice of Dismissal, withdrawing her appeal before OEA. Employee's Notice of Dismissal was filed on October 28, 2019. Accordingly, I find that Employee's Petition for Appeal should be dismissed.

ORDER

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

FOR THE OFFICE:

Arien P. Cannon, Esq.
Administrative Judge