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THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:)	
JOE JONES)	OEA Matter No. 1601-0001-10C14
Employee)	
v.)	Date of Issuance: March 26, 2015
DISTRICT OF COLUMBIA PUBLIC SCHOOLS)	Lois Hochhauser, Esq.
Agency)	Administrative Judge
Frank McDougald, Esq., Agency Representative)	
Joe Jones, Employee, <i>Pro Se</i>)	

ADDENDUM DECISION ON COMPLIANCE

INTRODUCTION AND PROCEDURAL BACKGROUND

Joe Jones, Employee, filed a petition with the Office of Employee Appeals (OEA) appealing the decision of the District of Columbia Public Schools, Agency, to terminate his employment. In the Initial Decision, issued on November 2, 2011, I reversed the removal and directed Agency to reinstate Employee and provide him with other make-whole relief. Agency filed a petition for review with the Board which, on February 5, 2013, issued an Opinion and Order, denying Agency's petition for review.

On September 9, 2014, Employee filed a Motion to Enforce Final Decision, asserting that Agency had not yet reinstated him or provided the other ordered relief. Agency responded on September 29, 2014, confirming that it had not reinstated Employee or determined the amount of back pay that he was due. Agency stated it would file an "update" with OEA by October 9, 2014. In its October 9, 2014 report, Agency stated that it decided not to reinstate Employee and would "proceed with his termination." It subsequently filed a copy of an advance notice of proposed removal dated October 14, 2014 in which it proposed to remove Employee. On November 3, 2014, I issued an Order directing Agency to submit legal and factual argument in support of its position that it could terminate Employee although it had not reinstated him. I further directed Agency to provide good cause why the matter should not be referred to OEA's General Counsel for further action pursuant to OEA Rule 635.9. Agency filed a timely response, asking that the matter be referred for mediation. I issued an Order on November 25, 2014, asking Employee to advise me if he agreed to mediation. On December 10, 2014, Employee responded that he was amenable to mediation. The matter was referred to mediation by Order dated December 17, 2014. In the Order I directed the parties to file a status report by February 19, 2015.

On or about February 11, 2015, the matter was returned to the undersigned from mediation

with a notation that the matter was settled. However, since the file did not contain any document signed by Employee requesting dismissal of the matter, I issued an Order on February 17, 2015, directing Employee to submit such a request by March 10, 2015. The parties were advised that the record would close on March 10, 2015, unless they were notified to the contrary. On February 20, 2015, Agency filed a Mediation Report stating that the matter was settled. On March 10, 2015, Employee submitted a signed statement, dated March 2, 2015, in which he confirmed that the matter was settled and stated that “the matter can be dismissed effective the date of this letter.” The record in this matter closed on March 10, 2015.

JURISDICTION

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

ISSUE

Should this compliance matter be dismissed?

FINDINGS OF FACT, ANALYSIS AND CONCLUSIONS

Employee filed a signed statement confirming that the matter was settled and should be dismissed. *See e.g., Rollins v. District of Columbia Public Schools*, OEA Matter No. J-0086-92, *Opinion and Order on Petition for Review* (December 3, 1990). It appears that Employee’s submission requesting the dismissal of the request for compliance was made knowingly and voluntarily. The rationale of D.C. Official Code §1-606.06(b) (2001) which provides that a petition for appeal be dismissed prior to a decision on the merits, when the parties enter into a voluntary settlement, is applicable to a compliance matter which is resolved through voluntary settlement. The Administrative Judge commends the parties on their efforts, which resulted in the successful resolution of this matter. She concludes that this request for compliance should be dismissed.

ORDER

This compliance matter is dismissed.

FOR THE OFFICE:

Lois Hochhauser, Esq.
Administrative Judge