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THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	
)	
DALE POSKUS,)	
Employee)	OEA Matter No. 1601-0280-10 ¹
)	
v.)	Date of Issuance: September 20, 2012
)	
DISTRICT OF COLUMBIA)	
METROPOLITAN POLICE DEPARTMENT,)	MONICA DOHNJI, Esq.
Agency)	Administrative Judge
_____)	
Dale Poskus, Employee <i>Pro Se</i>		
Brenda Wilmore, Esq., Agency Representative		

INITIAL DECISION

INTRODUCTION AND PROCEDURAL BACKGROUND

On March 5, 2010, Dale Poskus (“Employee”) filed a Petition for Appeal with the Office of Employee Appeals (“OEA” or “Office”) contesting the District of Columbia Metropolitan Police Department’s (“Agency”) decision to suspend him for thirty (30) days for engaging in brokering outside employment. In his appeal, Employee requested that 20 of the 30 days of suspension be returned to him. On April 13, 2010, Agency filed a Motion for Summary Disposition. Agency asserted that OEA lacked jurisdiction to consider Employee’s appeal because there was no *final agency decision* in this matter.²

This matter was assigned to me on or around February 1, 2011. Thereafter, I issued a Jurisdiction Order to Employee requesting that he submit a written brief by February 21, 2011, addressing the jurisdiction concerns. Employee complied. In his response, Employee conceded that there was no *final agency decision*. Additionally, Employee noted that the effective date of his suspension was December 20, 2009. On March 10, 2011, I issued an Order scheduling a Status Conference for March 28, 2011, in order to assess the parties’ arguments, and to determine whether this Office had jurisdiction over Employee’s appeal. Both parties were in

¹ Previously referred to as OEA Matter No. J-0280-10.

² See Agency’s Memorandum in Support of Motion for Summary Disposition (April 13, 2010).

attendance. On March 30, 2011, I issued an Order requiring the parties to submit briefs addressing the issues raised during the Status Conference. Employee complied but Agency did not. Agency's deadline for responding to this Order was April 14, 2011. Subsequently, on June 3, 2011, I issued an Order regarding Jurisdiction noting that this Office has jurisdiction over Employee's appeal. Thereafter, on July 3, 2012, the undersigned issued another Order requesting the parties to attend a Status Conference on July 31, 2012. Both parties were in attendance. During the Status Conference, the parties agreed to participate in mediation. A Mediation Conference was held on September 18, 2012. The parties agreed to a settlement during the Mediation Conference. On September 19, 2012, the parties submitted their written settlement agreement to this Office. 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 appeal should be dismissed.

ANALYSIS AND CONCLUSION

Since the parties have settled this matter, Employee's Petition for Appeal is dismissed.

ORDER

It is hereby **ORDERED** that the Petition for Appeal in this matter is **DISMISSED**.

FOR THE OFFICE:

MONICA DOHNJI, Esq.
Administrative Judge