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**THE DISTRICT OF COLUMBIA**

**BEFORE**

**THE OFFICE OF EMPLOYEE APPEALS**

_____	)	
In the Matter of:	)	
	)	OEA Matter No.: 1601-0013-15
JAMES CUNNINGHAM,	)	
Employee	)	
	)	Date of Issuance: July 15, 2015
v.	)	
	)	
DEPARTMENT OF YOUTH	)	
REHABILITATION SERVICES,	)	
	)	
Agency	)	Sommer J. Murphy, Esq.
_____	)	Administrative Judge
Christopher Zampoga, Esq., Employee Representative	)	
Eric Huang, Esq., Agency Representative	)	

**INITIAL DECISION**

**INTRODUCTION AND PROCEDURAL HISTORY**

On November 5, 2014 James Cunningham (“Employee”) filed a Petition for Appeal with the Office of Employee Appeals (“OEA”) contesting the District of Columbia Department of Youth Rehabilitation Services’ (“Agency”) action of terminating his employment. Employee, who worked as a Youth Development Representative, was charged with: 1) Any on-duty or employment-related act or omission that interfered with the efficiency and integrity of government operations; 2) Any knowing or negligent material misrepresentation on other document given to a government agency; and 3) Any on-duty or employment-related reason for corrective or adverse action that is not arbitrary or capricious.<sup>1</sup> The effective date of his termination was October 10, 2014.

I was assigned this matter in May of 2015. On May 11, 2015, I issued an Order scheduling a Prehearing Conference for the purpose of assessing the parties’ arguments. The Prehearing Conference was subsequently tentatively rescheduled for July 16, 2015. However, on May 22, 2014, Agency indicated that the parties reached a potential settlement in this matter. On July 14, 2015, the parties filed a Stipulation of Voluntary Dismissal of Appeal, indicating that a settlement was reached. The record is now closed.

<sup>1</sup> Petition for Appeal (July 15, 2014).

JURISDICTION

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

ISSUE

Should Employee's appeal be dismissed?

FINDINGS OF FACT, ANALYSIS, AND CONCLUSIONS OF LAW

Since the parties have filed a Stipulation of Voluntary Dismissal of Appeal, the Undersigned deems this matter settled. Accordingly, Employee's Petition for Appeal is dismissed.

ORDER

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

FOR THE OFFICE:

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SOMMER J. MURPHY, ESQ.  
ADMINISTRATIVE JUDGE