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THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:)	
)	
JAMES A. KINARD)	OEA Matter No. 1601-0125-05
Employee)	
)	Date of Issuance: March 23, 2006
v)	
)	Rohulamin Quander, Esq.
)	Senior Administrative Judge
DISTRICT OF COLUMBIA)	
DEPARTMENT OF CORRECTIONS)	
Agency)	

James A. Kinard, *pro se*
Fred Staten, Jr., Agency Representative

INITIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

On September 7, 2005, Employee, a Corrections Officer with the D.C. Department of Corrections, filed a Petition for Appeal from Agency's final decision which separated him from his position, effective August 31, 2005, for alleged incompetence, which was defined in the letter as Employee's "inability to satisfactorily perform one or more major duties of his/her position." This situation was generated by Employee's having sustained an on the job injury on about June 29, 2004, which rendered him disabled for a period of time

This matter was assigned to me on March 13, 2006. An examination of the case file revealed that the case was referred to the Office of Employee Appeals' (the Office") mediation program on October 31, 2005, where mediation negotiations were conducted by Daryl Hollis, a senior administrative judge from this Office. Upon gathering of relevant information documenting the Employee's recovered health status, including being medically cleared by a board certified doctor indicating that the Employee was able to perform the full range of his duties as a Correctional Officer, he was reinstated to his position on or about February 6, 2006. The matter is now settled and

outstanding issues have been resolved. *See* OEA Rule 607, 46 D.C. Reg. 9301 (1999).

On February 17, 2006, documentation of Employee's reinstatement was received by this Office, which also indicated that he was capable of performing the full range of his job-related duties. Employee has likewise advised the Office that he now wishes to withdraw his petition. Therefore, no hearing on the merits is required, and the record is closed.

JURISDICTION

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

ISSUE

Whether this matter may now be dismissed.

ANALYSIS AND CONCLUSION

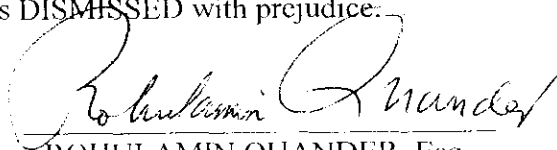
The parties have settled this matter. One of the terms of the settlement is Employee's withdrawal of his Petition for Appeal. Pursuant to this withdrawal, I conclude that this matter may now be dismissed.

ORDER

It is hereby ORDERED that Agency's Motion to Dismiss the Petition for Appeal is GRANTED; and it is

FURTHER ORDERED, that this matter is DISMISSED with prejudice.

FOR THE OFFICE:


ROHULAMIN QUANDER, Esq.
Senior Administrative Judge