

Notice: This decision may be formally revised before it is published in the *District of Columbia Register*. Parties should promptly notify the Office Manager of any formal errors so that this Office can correct them before publishing the decision. This notice is not intended to provide an opportunity for substantive challenge to the decision.

THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

_____)
In the Matter of:)
) OEA Matter No. 1601-0105-09
EDENBURGH JOHNSON)
Employee) Date of Issuance: March 3, 2010
)
v.) Sheryl Sears, Esq.
) Administrative Judge
DC PUBLIC SCHOOLS)
Agency)
_____)

Edenburgh Johnson, Employee, Pro Se
Frank McDougald, Esq., Agency Representative

INITIAL DECISION

INTRODUCTION AND FINDINGS OF FACT

Edenburgh Johnson (“Employee”) was a Motor Vehicle Operator for the Division of Transportation of the DC Public Schools (“Agency”). By letter dated March 17, 2009, Leslie Dews, Deputy Transportation Administrator, notified Employee that Agency was proposing his removal for “failure to maintain federally-mandated credentials.” Agency noted that, according to a recent review of Commercial Drivers License (CDL) files, it was determined that Employee had not obtained the “S” endorsement” required for all drivers of school buses. The letter stated that Employee’s termination would become effective on April 1, 2009.

On March 24, 2009, Employee filed a petition for appeal with the Office of Employee Appeals (“the Office”) challenging Agency’s decision to remove him. This Judge convened a pre-hearing conference. The parties then participated in discovery, submitted briefs and started preparing for a hearing. Then, pursuant to the request of the parties, this Judge stayed all proceedings so that they could participate in mediation. Wanda Jackson, Esq. assisted the parties with their successful settlement negotiations.

On March 3, 2010, Agency submitted a final settlement agreement signed by both parties. It provides for the withdrawal of Employee's appeal.

JURISDICTION

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

ISSUE

Whether this appeal should be dismissed pursuant to the settlement agreement.

ANALYSIS AND CONCLUSIONS

The D.C. Official Code § 1-606.6(b), states, in relevant portion, that "a settlement agreement, prepared and signed by all the parties, shall constitute the final and binding resolution of the appeal." This Office has been notified of the Office of the settlement of his appeal. Because this appeal has been resolved, it will be dismissed.

ORDER

It is hereby ORDERED that Employee's petition for appeal is dismissed.

FOR THE OFFICE:

SHERYL SEARS, ESQ.
ADMINISTRATIVE JUDGE