

**THE DISTRICT OF COLUMBIA**

**BEFORE**

**THE OFFICE OF EMPLOYEE APPEALS**

In the Matter of:	)	
	)	OEA Matter No.: 1601-0012-18
ZAKARY FISHER,	)	
Employee	)	
	)	Date of Issuance: March 28, 2018
v.	)	
	)	Arien P. Cannon, Esq.
METROPOLITAN POLICE DEPARTMENT,	)	Administrative Judge
Agency	)	
	)	
	)	
	)	
Zakary Fisher, Employee, <i>Pro se</i>	)	
Ronald Harris, Esq., Agency Representative	)	

**INITIAL DECISION**

**INTRODUCTION AND PROCEDURAL BACKGROUND**

Zakary Fisher (“Employee”) filed a Petition for Appeal with the Office of Employee Appeals (“OEA”) on November 9, 2017, challenging the Metropolitan Police Department’s (“Agency”) decision to suspend him from his position as a Police Officer for twenty-two (22) days, with seven (7) days held in abeyance. Agency filed its Answer on December 1, 2017. I was assigned this matter on January 16, 2018.

A Prehearing Conference was convened on February 28, 2018. Subsequently, a Post Prehearing Conference Order was issued which required the parties to submit legal briefs addressing the issues in this matter. Agency’s brief was due on or before March 28, 2018, while Employee’s brief was due on April 30, 2018. Prior to the submission of briefs, the parties reached a settlement agreement. As such, a Settlement Agreement, along with a Withdrawal of Appeal, was submitted to this Office.

**JURISDICTION**

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

**ISSUE**

Whether Employee’s Petition for Appeal should be dismissed as a result of a Settlement Agreement.

**ANALYSIS AND CONCLUSION**

D.C. Official Code §1-606.06(b) (2001) states in pertinent part, that:

If the parties agree to a settlement without a decision on the merits of the case, a settlement agreement, prepared and signed by all parties, shall constitute the final and binding resolution of the appeal, and the [Administrative Judge] shall dismiss the appeal with prejudice.

Here, an executed copy of the Settlement Agreement, along with Employee's request to withdraw his appeal, was provided to the undersigned. Both documents were signed and dated March 27, 2018. Accordingly, I find that Employee's Petition for Appeal shall be dismissed.

**ORDER**

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

FOR THE OFFICE:

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Arien P. Cannon, Esq.  
Administrative Judge