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THE DISTRICT OF COLUMBIA

BEFORE

THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	
)	
EMPLOYEE ¹ ,)	OEA Matter No. 1601-0009-23
)	
v.)	Date of Issuance: May 18, 2023
)	
DEPARTMENT OF YOUTH)	
REHABILITATION SERVICES,)	MONICA DOHNJI, ESQ.
Agency)	Senior Administrative Judge
_____)	
Employee, <i>Pro Se</i>)	
Timothy McGarry, Esq., Agency’s Representative)	

INITIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

On October 24, 2022, Employee filed a Petition for Appeal with the Office of Employee Appeals (“OEA”) contesting the Department of Youth Rehabilitation Services’ (“Agency” or “DYRS”) decision to suspend him for fifteen (15) days without pay, effective October 13, 2022. OEA issued a Request for Agency Answer to Petition for Appeal on October 25, 2022. Thereafter, on November 22, 2022, Agency filed its Answer to Employee’s Petition for Appeal. This matter was assigned to the undersigned on December 2, 2022. A Status/Prehearing Conference was held on January 19, 2023. Subsequently, the undersigned issued a Post Status/Prehearing Conference Order requiring the parties to submit written briefs. Thereafter, Agency notified the undersigned that the parties had mutually agreed to settle the matter. On May 12, 2023, Agency filed a Consent Motion to Dismiss with Prejudice, requesting that OEA dismiss the current matter with prejudice pursuant to a settlement agreement executed by the parties.² The record is now closed.

JURISDICTION

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

¹ Employee’s name was removed from this decision for the purposes of publication on the Office of Employee Appeals’ website.

² Consent Motion to Dismiss with Prejudice (May 12, 2023). Agency’s representative emailed a copy of the executed settlement agreement to the undersigned on May 17, 2023.

ISSUE

Whether Employee's Petition for Appeal should be dismissed.

ANALYSIS AND CONCLUSIONS OF LAW

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.

In the instant matter, since the parties have reached a settlement agreement, and have made a joint request that this matter be dismissed, I find that Employee's Petition for Appeal should be dismissed.

ORDER

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

FOR THE OFFICE:

/s/ Monica N. Dohnji

MONICA DOHNJI, Esq.
Senior Administrative Judge