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**THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS**

_____)	
In the Matter of:)	
)	OEA Matter No.: 1601-0091-18
JONATHAN HART,)	
Employee)	
)	Date of Issuance: March 22, 2019
v.)	
)	
D.C. METROPOLITAN POLICE DEPARTMENT,)	
Agency.)	Michelle R. Harris, Esq.
)	Administrative Judge
)	
)	
)	
)	
_____)	
Jonathan Hart, Employee, <i>Pro Se</i>)	
Brenda Wilmore, Esq., Agency Representative)	

INITIAL DECISION

INTRODUCTION AND PROCEDURAL BACKGROUND

On September 18, 2018, Jonathan Hart (“Employee”), filed a Petition for Appeal with the Office of Employee Appeals (“OEA” or “Office”) contesting the District of Columbia Metropolitan Police Department’s (“Agency” or “MPD”) decision to suspend him from service for fifteen days (15), with five (5) days held in abeyance for one (1) year. The effective date of the suspension was September 17, 2018. On October 18, 2018, Agency filed its Answer to Employee’s Petition for Appeal. This matter was assigned to the undersigned Administrative Judge on December 12, 2018.

On December 12, 2018, I issued an Order Convening a Prehearing Conference in this matter for January 16, 2019. Both parties appeared for the Prehearing Conference. During the Prehearing Conference, I determined that an Evidentiary Hearing was warranted. As a result, on that same day, I issued an Order Convening an Evidentiary Hearing for March 19, 2019. I also issued a Post Prehearing Conference Order requiring the parties to submit briefs to address outstanding issues identified during the Prehearing Conference. Briefs were due on or before February 6, 2019, and Agency had the option to submit a Sur-Reply brief on or before March 8, 2019. On February 14, 2019, Agency filed a Motion to Enlarge the Time to File Briefs. On February 15, 2019, I issued an Order granting Agency’s Motion and required briefs be submitted on or before February 22, 2019.

On February 21, 2019, counsel for Agency emailed the undersigned and indicated that the parties had settled the matter. On March 20, 2019, the parties submitted the relevant documents which indicated their settlement agreement, including Employee's withdrawal of his Petition for Appeal. The record is now closed.

JURISDICTION

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

ISSUE

Whether this appeal should be dismissed based on the parties' settlement of this matter.

FINDINGS OF FACTS, 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 agreed upon, and executed a settlement agreement, and Employee has submitted a withdrawal of his Petition for Appeal to this Office; pursuant to the aforementioned code provision, I find that Employee's Petition for Appeal should be dismissed.

ORDER

It is hereby **ORDERED** that Employee's petition in this matter is **DISMISSED**.

FOR THE OFFICE:

Michelle R. Harris, Esq.
Administrative Judge