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THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:)	
ALEXANDRIA JONES)	OEA Matter No. 1601-0188-10
Employee)	
v.)	Date of Issuance: October 4, 2012
DISTRICT OF COLUMBIA OFFICE OF)	Lois Hochhauser, Esq.
UNIFIED COMMUNICATIONS)	Administrative Judge
Agency)	
Corey Argust, Esq., Agency Representative		
Robert Shore, Esq., Employee Representative		

INITIAL DECISION

INTRODUCTION AND PROCEDURAL BACKGROUND

Alexandria Jones, Employee herein, filed a timely petition with the Office of Employee Appeals (OEA) on December 1, 2009, appealing the decision of the District of Columbia Office of Unified Communications, Agency herein, to suspend her from her from her employment as a Telecommunications Equipment Operator, for ten days without pay. At the time of the challenged action, Employee was in career service with a permanent appointment. The matter was assigned to me on February 16, 2012.

On March 14, 2012, I issued an Order scheduling the prehearing conference for April 13, 2012. The parties jointly requested to continue the matter. The request was granted by Order dated April 9, 2012 and the prehearing conference was rescheduled for May 11, 2012. On April 27, 2012, Agency filed a consent motion requesting that the prehearing conference be postponed, and the matter be referred to mediation. The motion was granted by Order dated April 30, 2012, and the matter was referred to mediation. The parties were directed to file status reports by May 30, 2012. On or about June 14, 2012, the Administrative Judge was notified that mediation had not been successful. She contacted the representative who agreed to a hearing date of August 28, 2012. An Order was issued on June 26, 2012 confirming the hearing date. On July 31, 2012, Agency requested that the matter be rescheduled due to of the unavailability of one of its witnesses. By Order dated August 13, 2012, the request was granted, and the hearing was rescheduled for September 10, 2012.

On or about September 7, 2012, the representatives contacted the undersigned, requesting that the hearing be postponed because they were close to resolving the matter. Their request was granted and they were directed to notify the undersigned of the resolution by September 21, 2012. On that date, the parties filed a consent motion, seeking an extension of time to submit verification that the matter was resolved. The request was granted. The

representatives subsequently kept the Administrative Judge apprised of the status of the matter. On October 1, 2012, the parties filed two documents with OEA: "Agreement and General Release" and "Employee's Withdrawal", both executed by the appropriate parties. "Employee's Withdrawal" states:

Employee, Alexandria Jones, by and through her designated representative, Robert J. Shore, hereby withdraws the above captioned case, with prejudice, in accordance with the settlement agreement between the parties, attached hereto.

The record is hereby closed.

JURISDICTION

This Office has jurisdiction pursuant to D.C. Office Code Section 1-606.03 (2001).

ISSUE

Should this matter be dismissed?

FINDINGS OF FACT, ANALYSIS AND CONCLUSIONS

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.

The parties have submitted an executed settlement agreement as well as a document, cited in full above, in which Employee withdrew her petition for appeal with prejudice. The Administrative Judge commends the parties on their successful resolution of this matter, and concludes that the petition should be dismissed based on the settlement of this matter and Employee's notification that as a result of the resolution, she was withdrawing the petition for appeal with prejudice.

ORDER

Based on these findings and conclusions, and consistent with this analysis, it is hereby ordered that the petition for appeal is dismissed.

FOR THE OFFICE:

LOIS HOCHHAUSER, Esq.
Administrative Judge