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THE DISTRICT OF COLUMBIA

BEFORE

THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	
)	OEA Matter No.: 1601-0086-13
TRACEY BEATTY,)	
Employee)	
)	Date of Issuance: June 2, 2014
v.)	
)	
OFFICE OF UNIFIED COMMUNICATIONS,)	
Agency)	
)	
)	Arien P. Cannon, Esq.
)	Administrative Judge
_____)	
Robert J. Shore, Esq., Employee Representative)	
Gregory Evans, Esq., Agency Representative)	

INITIAL DECISION

Tracey Beatty (“Employee”) filed a Petition for Appeal with the Office of Employee Appeals (“OEA”) on May 2, 2013, challenging the Office of Unified Communication’s (“Agency”) decision to suspend her for ten (10) days from her position as a Dispatcher. The effective date of Employee’s suspension began April 2, 2013.¹ In accordance with D.C. Official Code § 1-606.06(a), a mandatory mediation was held on April 3, 2014. Subsequently, a Settlement Agreement, along with a Withdrawal of Appeal, was submitted to this Office on May 27, 2014. The withdrawal indicates that the parties have reached a settlement in this matter. This matter was assigned to me on February 26, 2014. The record is now closed.

JURISDICTION

Jurisdiction of this Office is established in this matter pursuant to D.C. Official Code § 1-606.03 (2001).

¹ Employee’s suspension was effective April 2, 2013 and continued on the following dates: April 3, April 6, April 8, April 9, April 10, April 13, April 15, April 17, and April 20, 2013. See Petition for Appeal, Final Decision on Proposed Suspension of 10 Days Attachment (May 2, 2013).

ISSUE

Whether Employee's Petition for Appeal should be dismissed based on her voluntary withdrawal as a result of settlement negotiations.

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.

On May 27, 2014, a Withdrawal of Appeal was submitted to this Office stating that the parties have reached a settlement and that Employee withdraws her appeal. A copy of the Settlement Agreement was also submitted and signed by both parties. Accordingly, Employee's Petition for Appeal shall be dismissed.

ORDER

Based on the aforementioned, it is hereby **ORDERED** that Employee's Petition for Appeal is **DISMISSED** with prejudice.

FOR THE OFFICE:

Arien P. Cannon, Esq.
Administrative Judge