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THE DISTRICT OF COLUMBIA

BEFORE

THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	
)	OEA Matter No.: 1601-0049-18
JOSEPH STIMMELL,)	
Employee)	
)	Date of Issuance: April 12, 2019
v.)	
)	ARIEN P. CANNON, Esq.
METROPOLITAN POLICE DEPARTMENT,)	Administrative Judge
Agency)	
_____)	
J. Scott Hagood, Esq., Employee Representative)	
Brenda Wilmore, Esq., Agency Representative)	

INITIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

Joseph Stimmell (“Employee”) filed a Petition for Appeal with the Office of Employee Appeals (“OEA”) on May 18, 2018, challenging the Metropolitan Police Department’s (“Agency” or “MPD”) decision to suspend him for fifteen (15) days. Agency filed its Answer on June 18, 2018. I was assigned this matter on August 8, 2018.

A Prehearing Conference was convened on October 1, 2018. Based upon the representations by the parties at the Prehearing Conference, and upon review of the record, this matter was scheduled for an evidentiary hearing on December 12, 2018. On November 20, 2018, Employee submitted a Consent Motion for a Continuance of the evidentiary hearing. Upon the granting of this motion, the evidentiary hearing was rescheduled for January 15, 2019.

On December 19, 2018, Agency submitted a Motion for Continuance of the January 15, 2019, evidentiary hearing. Upon consideration of Agency’s Motion for Continuance, the evidentiary hearing was rescheduled for February 26, 2019. Subsequently, a Joint Motion for Continuance was filed on February 14, 2019, with the parties requesting a continuance to facilitate settlement discussions. This joint motion was granted, and the evidentiary hearing was rescheduled for April 30, 2019. Prior to the evidentiary hearing, Employee submitted a Notice of

Withdrawal, indicating that this matter has been mutually and amicably resolved between the parties. The record is now closed.

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 based on a voluntary withdrawal because 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, as a result of mediation, a Notice of Withdrawal was filed by Employee on April 9, 2019, indicating that this matter has been mutually and amicably resolved between the parties. Accordingly, I find that Employee's Petition for Appeal should be dismissed.

ORDER

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

FOR THE OFFICE:

Arien P. Cannon, Esq.
Administrative Judge