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THE DISTRICT OF COLUMBIA

BEFORE

THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	
)	OEA Matter No.: 1601-0012-20
MARLOWE MITCHELL,)	
Employee)	
)	Date of Issuance: April 30, 2020
v.)	
)	
DISTRICT OF COLUMBIA DEPARTMENT OF)	ARIEN P. CANNON, ESQ.
BEHAVIORAL HEALTH,)	Administrative Judge
Agency)	
)	
)	
)	
)	
)	
_____)	
Andra Parker, Employee Representative		
Bradford Seamon, Jr., Esq., Agency Representative ¹		

INITIAL DECISION²

INTRODUCTION AND PROCEDURAL HISTORY

Marlowe Mitchell (“Employee”) filed a Petition for Appeal with the Office of Employee Appeals (“OEA”) on November 25, 2019, challenging the District of Columbia Department of Behavioral Health’s (“Agency” or “DBH”) decision to remove him from his position as a Forensic Mental Health Counselor. Employee’s termination was effective November 22, 2019. Agency filed its Answer on December 24, 2019. A Mediation Conference was held on February 12, 2020, where the parties were able to reach an amicable resolution to this matter. Subsequently, I was assigned this matter on March 6, 2020.

JURISDICTION

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

¹ Admitted to practice law only in Maryland. Practicing in the District of Columbia under the direct supervision of Andrea Comentale, a member of the D.C. Bar pursuant to Rule 49(c) of the District of Columbia Court of Appeals.

² This decision was issued during the District of Columbia's COVID-19 State of Emergency.

ISSUE

Whether Employee's Petition for Appeal should be dismissed based on the Settlement Agreement executed between the parties.

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.

In the instant matter, a fully executed and ratified settlement agreement was submitted on April 14, 2020. Employee also submitted a letter dated, April 7, 2020, retroactively resigning from his position with DBH, effective November 22, 2019. Accordingly, pursuant to D.C. Code §1-606.06(b), 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:

/s/ Arien P. Cannon
ARIEN P. CANNON, ESQ.
Administrative Judge