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THE DISTRICT OF COLUMBIA

BEFORE

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:	)	
	)	
EMPLOYEE,	)	
Employee	)	OEA Matter No. 1601-0016-25
	)	
v.	)	Date of Issuance: September 28, 2026
	)	
DISTRICT OF COLUMBIA	)	
NATIONAL GUARD,	)	
Agency	)	Eric T. Robinson, Esq.
	)	Senior Administrative Judge
	)	
Michael McGuire II, Esq., Employee Representative		
Dion Black, Esq., Agency Representative		

INITIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

On July 31, 2023, Employee began her at-will term employment with the District of Columbia National Guard ("DCNG") as Cadre Team Leader for the Capital Guardian Youth Challenge Academy, which serves at risk teens. Employee was removed from service based on a charge of Negligence. On January 8, 2025, Employee filed a Petition for Appeal with the Office of Employee Appeals ("OEA" or the "Office") contesting DCNG's removal action. On that same date, the OEA, under the aegis of its Executive Director, sent a letter to the DCNG requiring it to submit an Answer to Employee's Petition for Appeal by February 8, 2025. After being granted an extension of time to file, Agency filed its response on March 7, 2025. This matter was assigned to the Undersigned on March 10, 2025. On March 13, 2025, the Undersigned issued an Order Convening a Prehearing/Status Conference set for April 23, 2025. During this conference, it was then determined that an Evidentiary Hearing ("EH") was necessary in order to resolve this matter. However, due to scheduling delays in order to ensure the availability of both parties and their witnesses, the scheduling of the EH was delayed until February 2026. Thereafter, the parties voluntarily entered settlement negotiations with the assistance of the OEA's Mediation Department. The negotiations were successful; however, the drafting and codifying of the agreement took several months. On September 25, 2026, the parties submitted a redacted version of the fully executed settlement agreement that called for, *inter alia*, the dismissal of the instant

matter. After reviewing the documents of record, I have determined that no further proceedings are warranted. 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 matter should be dismissed.

BURDEN OF PROOF

OEA Rule 631.1, 6-B DCMR Ch. 600 (December 27, 2021) states:

The burden of proof for material issues of fact shall be by a preponderance of the evidence. "Preponderance of the evidence" shall mean:

That degree of relevant evidence which a reasonable mind, considering the record as a whole, would accept as sufficient to find a contested fact more probably true than untrue.

OEA Rule 631.2 id. States:

For appeals filed under §604.1, the employee shall have the burden of proof as to issues of jurisdiction, including timeliness of filing. The agency shall have the burden of proof as to all other issues.

FINDINGS OF FACTS, ANALYSIS AND CONCLUSIONS OF LAW

I am guided by the OEA rules in this matter. OEA Rule 607.11 states that "if the parties reach a settlement, the matter shall be dismissed in accordance with D.C. Official Code § 1-606.06(b)." The parties have submitted a redacted copy of the fully executed settlement agreement that provides that Employee shall withdraw her OEA Appeal. I hereby find that in accordance with this condition contained within the Settlement Agreement executed by the above captioned parties, Employee's Petition for Appeal should be dismissed in accordance with OEA Rule 607.11.

ORDER

Based on the foregoing, it is hereby ORDERED that this matter be DISMISSED.

FOR THE OFFICE:

/s/ Eric T. Robinson

ERIC T. ROBINSON, ESQ.
SENIOR ADMINISTRATIVE JUDGE