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**THE DISTRICT OF COLUMBIA**  
**BEFORE**  
**THE OFFICE OF EMPLOYEE APPEALS**

In the Matter of:	)	
MELONEY SCOTT	)	OEA Matter No. 1601-0025-16
Employee	)	
v.	)	Date of Issuance: February 7, 2017
OFFICE OF THE STATE SUPERINTENDENT	)	Lois Hochhauser, Esq.
OF EDUCATION	)	Administrative Judge
Agency	)	

Tara Chen, Esq., Employee Representative  
Hillary Hoffman-Peak, Esq., Agency Representative

**INITIAL DECISION**

INTRODUCTION AND PROCEDURAL BACKGROUND

Meloney Scott, Employee, filed a petition with the Office of Employee Appeals (OEA) on February 22, 2016 appealing the decision of the Office of the State Superintendent of Education, Agency, to terminate her employment, effective January 22, 2016. The matter was assigned to this Administrative Judge (AJ) on May 4, 2016.

The prehearing conference (PHC) took place on August 25, 2016.<sup>1</sup> At the PHC, the parties agreed that an evidentiary hearing was not needed, and agreed to brief the issue in dispute. An Order was issued on August 26, 2016, memorializing the briefing schedule agreed upon at the PHC. Oral argument initially scheduled for November 21, 2016, was continued until January 31, 2017 at the joint request of the parties. On January 17, 2017, Employee, through counsel, advised the AJ by email that the matter was settled and the parties were drafting a settlement agreement. On January 30, 2017, the Employee representative advised the AJ by email that the settlement agreement had been executed, and Employee was withdrawing her appeal as part of the agreement. The AJ responded by email, cancelling oral argument was cancelled, and directing Employee to file a request with OEA seeking the dismissal of her appeal. Employee filed a request on February 3, 2017, asking to withdraw her appeal in accordance with the written settlement agreement executed by the parties. The record closed on February 3, 2017.

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<sup>1</sup> The PHC, initially scheduled for July 30, 2016, was continued to August 5, 2016 at the request of Agency. The parties jointly requested that the PHC be continued from August 5 to August 25, 2016.

JURISDICTION

The Office has jurisdiction pursuant to D.C. Official Code §1-606.03 (2001).

ISSUE

Should the petition be dismissed?

FINDINGS OF FACT, ANALYSIS AND CONCLUSIONS

In this matter, Employee filed a request to withdraw her appeal based on the voluntary settlement agreement executed by the parties. D.C. Official Code §1-606.06(b) (2001) provides for the dismissal of a petition for appeal when the parties enter into a voluntary settlement of the matter. *See. e.g., Rollins v. District of Columbia Public Schools*, OEA Matter No. J-0086-92, Opinion and Order on Petition for Review (December 3, 1990). Therefore, the AJ concludes that Employee's request should be granted, and further concludes that this appeal should be dismissed. The parties are commended on their successful resolution of this matter.

ORDER

The petition for appeal is dismissed.

FOR THE OFFICE:

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Lois Hochhauser, Esq.  
Administrative Judge