

This decision may be formally revised before it is published in the District of Columbia Register and the Office of Employee Appeals' website. Parties should promptly notify the Office Manager of any formal errors so that this Office can correct them before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:)	
EMPLOYEE ¹)	OEA Matter No. 1601-0064-24
Employee)	
v.)	Date of Issuance: September 6, 2024
DISTRICT OF COLUMBIA DEPARTMENT)	Lois Hochhauser, Esq.
OF CORRECTIONS)	Administrative Judge
Agency)	
Jeremy Greenberg, Agency Representative		
Employee, <i>Pro Se</i>		

INITIAL DECISION

INTRODUCTION AND PROCEDURAL BACKGROUND

On July 3, 2024, Employee filed a petition with the District of Columbia Office of Employee Appeals (“OEA”), appealing the decision of the District of Columbia Department of Corrections (“Agency”) to remove him from his position as Correctional Officer, effective June 7, 2024. OEA Executive Director Sheila Barfield notified Agency Director Thomas Faust of the Petition for Appeal (“PFA”) on the same day; advising him that the deadline for filing Agency response was August 2, 2024 and attaching a copy of the appeal. Agency filed its Answer on August 1, 2024. This Administrative Judge (“AJ”) was appointed to hear the appeal on or about August 7, 2024.

Upon review of the submissions, the AJ determined that the parties might successfully resolve this matter. Therefore, on August 12, 2024, she issued an Order, directing the parties to advise her by August 28, 2024 if they could successfully resolve the matter. Other filing deadlines were included in the Order in the event the parties were unable to achieve resolution. On August 28, 2024, the parties filed a Joint Stipulation of Dismissal With Prejudice (“Joint Stipulation”), stating that the parties resolved the matter and seeking the dismissal of the PFA. The record was then closed.

JURISDICTION

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

¹ This Office does not identify the name of the employee filing the appeal in the published decision on its website.

ISSUE

Should the petition be dismissed?

FINDINGS OF FACT, ANALYSIS AND CONCLUSIONS

This Office's jurisdiction was initially established by the District of Columbia Comprehensive Merit Personnel Act of 1978 and then amended by the Omnibus Personnel Reform Amendment Act of 1998, D.C. Law 12-124. Both Acts confer jurisdiction on this Office to hear appeals of adverse actions, including suspension of at least ten days. *See also*, OEA Rule 604.1.

OEA Rule 622.2(h) provides that an AJ may dismiss a matter "based on a settlement agreement reached by the parties." The Joint Stipulation states that the parties "reached a settlement" in this matter and asked that "OEA dismiss Employee's Petition for Appeal with prejudice." Employee's electronic signature includes the notation that it was "signed with permission," which supports the conclusion that Employee agreed to the dismissal of his appeal with prejudice based on the settlement reached by the parties. The AJ concludes, for these reasons, that the joint request should be granted and the appeal should be dismissed.

ORDER

The request is granted and the appeal is dismissed.²

FOR THE OFFICE:



Lois Hochhauser, Esq.
Administrative Judge

² The AJ commends the parties on the successful resolution of this appeal.