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THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:)	
)	OEA Matter No.: 1601-0073-13
PATRICE L. TABBS,)	
Employee)	
)	Date of Issuance: August 22, 2014
v.)	
)	
OFFICE OF THE STATE SUPERINTENDENT)	
OF EDUCATION,)	
Agency)	
)	
)	Arien P. Cannon, Esq.
)	Administrative Judge

Patrice L. Tabbs, Employee, *Pro se*
Hillary Hoffman-Peak, Esq., Agency Representative

INITIAL DECISION

INTRODUCTION AND PROCEDURAL BACKGROUND

On April 9, 2013, Patrice Tabbs (“Employee”) filed a Petition for Appeal with the Office of Employee Appeals (“Office” or “OEA”) challenging the Office of the State Superintendent of Education’s (“Agency”) decision to remove her from her position as a Bus Attendant. This matter was assigned to me on February 25, 2014. A Prehearing Conference was held on June 23, 2014. Subsequently, a Post Prehearing Conference Order was issued which required the parties to submit briefs addressing the issues in this matter. Prior to the parties filing their briefs, Employee submitted a Withdrawal of Appeal, along with a Settlement Agreement on August 20, 2014. The record is now closed.

JURISDICTION

Jurisdiction of this Office is established 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 her voluntary withdrawal as a result of settlement negotiations.

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.

On August 20, 2014, a Withdrawal of Appeal, along with a Settlement Agreement which was signed by both parties, was submitted to this Office. Accordingly, Employee's Petition for Appeal is hereby **DISMISSED** with prejudice.

ORDER

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

FOR THE OFFICE:

Arien P. Cannon, Esq.
Administrative Judge