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THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

_____)
In the Matter of:)
) OEA Matter No. 1601-0128-99
ROBERT ARONSON)
Employee) Date of Issuance: December 1, 2009
)
v.) Sheryl Sears, Esq.
) Administrative Judge
)
D.C. FIRE AND EMERGENCY)
MEDICAL SERVICES)
Agency)
_____)

James Maloney, Esq., Employee Representative
Kevin J. Turner, Esq., Agency Representative

INITIAL DECISION

INTRODUCTION AND FINDINGS OF FACT

Robert Aronson (“Employee”) was an Emergency Medical Technician (EMT)/Paramedic for the DC Fire and Emergency Medical Services Department (“Agency”). On January 1, 1999, Employee was assigned to work on Medic 18, an advanced life support unit. He was designated as the Ambulance Crew Member in Charge. His partner that day was Markus Jahr, also an EMT/Paramedic. Jahr was the Ambulance Crewmember Aide. After responding to a call, Employee drove Medic 18 to Alexandria, Virginia, to pick up a prescription at the Potomac Yards Mall where he was seen by Mr. Ronald Hutchinson, a former Fire and Emergency Services Communications Division Dispatcher. This was a violation of Agency’s protocol which required that he contact the Communications Division to advise that his unit was available for transport.

Employee was removed effective on May 8, 1999, upon charges of misuse of District property and inexcusable neglect of duty. On May 28, 1999, he filed a petition for appeal with the DC Office of Employee Appeals (“the Office”). On August 14, 2004,

this Judge issued an initial decision finding that Employee misused a government vehicle and neglected his duty by failing to promptly return the vehicle to quarters. This Judge found Employee's actions inexcusable. However, she ordered Agency to reduce the penalty from a removal to a sixty (60) day suspension.

Agency filed a petition for review on September 21, 2004, arguing that the Judge erred in modifying the penalty. On January 26, 2007, the Board issued an *Opinion and Order on Petition for Review* upholding the Judge's decision. Agency sought review of the *Opinion and Order on Petition for Review* before the Superior Court of the District of Columbia (*District of Columbia Fire and Emergency Medical Services Department v. Office of Employee Appeals*, Civil Action No. 2007 CA 001623 P (MPA)). On April 22, 2008, the Honorable Judith E. Retchin, Associate Judge of the Superior Court of the District of Columbia, issued an Order affirming the *Opinion and Order* of the Board of the Office of Employee Appeals. On May 27, 2008, Agency appealed to the DC Court of Appeals. On August 13, 2008, the Court of Appeals granted Agency's consent motion to withdraw that appeal.

Questions of damages and attorneys' fees remained outstanding. Employee sought a hearing on those matters before this Office. At the same time, the parties began settlement negotiations with the assistance of Judge Eric T. Robinson. On August 18, 2008, Agency presented, with Employee's consent, a motion to dismiss the appeal. The record is now closed.

JURISDICTION

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

ANALYSIS AND CONCLUSION

Based upon Agency's motion to dismiss this appeal, to which Employee has consented, the petition will be dismissed with prejudice.

ORDER

It is hereby ordered that the petition in this matter is dismissed with prejudice.

FOR THE OFFICE:

Sheryl Sears, Esq.
Administrative Judge