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THE DISTRICT OF COLUMBIA

BEFORE

THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	
)	
KENNETH MCCRACKEN)	OEA Matter No. 1601-0068-08
Employee)	
)	Date of Issuance: January 21, 2009
v.)	
)	Lois Hochhauser, Esq.
D.C. HOMELAND SECURITY AND)	Administrative Judge
EMERGENCY MANAGEMENT AGENCY)	
Agency)	
_____)	
James Pressler, Esq., Employee Representative)	
Andrea Comentale, Esq., Agency Representative ¹)	

INITIAL DECISION

INTRODUCTION AND STATEMENT OF FACTS

Employee filed a petition with the Office of Employee Appeals (OEA) on April 8, 2008, appealing Agency's final decision to terminate his employment as an Emergency Operations Specialist with Agency.² At the time of his removal, Employee was in career and permanent status.

The matter was assigned to me on or about July 18, 2008. On July 30, 2008, I issued an Order scheduling a prehearing conference for August 27, 2008. After several continuances, the prehearing conference took place on November 6, 2008.

At the prehearing conference, the parties agreed to mediation. The parties entered into mediation and on December 5, 2008, Employee submitted a Notice of Filing, notifying me that the parties had entered into a written settlement agreement, and requesting that the matter be dismissed. The record is hereby closed.

¹ Agency was represented by Gail Elkins, Esq., at the prehearing conference. Ms. Elkins left her position shortly thereafter and Ms. Comentale took over responsibility for the case.

² The final Agency notice of removal, dated March 10, 2008, does not include an effective date of removal.

JURISDICTION

This Office has jurisdiction pursuant to D.C. Office Code Section 1-606.03 (2001).

ISSUE

Should this matter be dismissed?

FINDINGS OF FACT, ANALYSIS AND CONCLUSIONS

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.

In his Notice of Filing, Employee has represented that the parties entered into a written settlement agreement and has requested that this appeal be dismissed. The Administrative Judge commends the parties on their successful resolution of this matter. She concludes that the petition for appeal should be dismissed.

ORDER

It is hereby ORDERED that the petition for appeal is DISMISSED.

FOR THE OFFICE:

Lois Hochhauser, Esq.
Administrative Judge