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THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	
)	
PAMELA DISHMAN,)	
Employee)	OEA Matter No. 2401-0028-11R16C17
)	
v.)	Date of Issuance: June 9, 2017
)	
DISTRICT OF COLUMBIA)	Monica Dohnji, Esq.
PUBLIC SCHOOLS,)	Senior Administrative Judge
Agency)	
_____)	

Stephen Leckar, Esq., Employee Representative
Carl Turpin, Esq., Agency Representative

ADDENDUM DECISION ON COMPLIANCE

INTRODUCTION AND PROCEDURAL BACKGROUND

On October 22, 2010, the District of Columbia Public Schools (“Agency”) notified Pamela Dishman (“Employee”) that she was being separated from her position pursuant to a reduction-in-force (“RIF”). The effective date of the RIF was November 21, 2010.¹

Employee challenged the RIF by filing a Petition for Appeal with the Office of Employee Appeals (“OEA”) on November 29, 2010.

This matter was originally assigned to former Administrative Judge (“AJ”) Stephanie Harris. AJ Harris issued an Initial Decision in this matter on February 10, 2014, upholding Agency’s RIF action. Employee filed a Petition for Review with the OEA Board on March 14, 2014. On July 21, 2015, the OEA Board issued an Opinion and Order on Petition for Review, upholding AJ Harris’ Initial Decision. On August 20, 2015, Employee filed a Petition for Review of Agency Decision in the D.C. Superior Court. On August 26, 2016 the D.C. Superior Court reversed and vacated the OEA Board’s July, 2015, Opinion and Order on Petition for Review,

¹ *Petition for Appeal*, p. 8 (November 29, 2010).

and remanded this matter to OEA. The D.C. Superior Court found that, "... there is no evidence in the record that a Form 50 exists which shows [Employee] was assigned to a Program Manager position, and her RIF notification did not correspond to any official personnel action form initiated by the Human Resources Department. Therefore, DCPS failed to provide [Employee] with one round of lateral competition pursuant to D.C. Code § 1-624.08."²

This matter was reassigned to the undersigned AJ in September of 2016. Thereafter, on October 21, 2016, I issued an Initial Decision ("ID"), reversing Agency's decision to terminate Employee. On November 28, 2016, Agency filed a Motion for Extension of Time to Comply with the October 21, 2016, ID. The undersigned was informed by the parties via email on June 6, 2017, that all the pending issues had been resolved. The undersigned was also provided with a copy of the executed settlement agreement, along with Employee's Motion to Dismiss. The record is now closed.

JURISDICTION

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

ISSUE

Whether this appeal should be dismissed.

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.

In the instant matter, since the parties have agreed and executed a settlement agreement, and Employee has voluntarily withdrawn her Petition for Appeal, I find that Employee's Petition for Appeal is dismissed.

² *Pamela Dishman v. District of Columbia Public Schools et al.*, 2015 CA 006355 P (MPA) (August 26, 2016).

ORDER

It is hereby **ORDERED** that the Petition for Appeal in this matter is **DISMISSED**.

FOR THE OFFICE:

MONICA DOHNJI, Esq.
Senior Administrative Judge