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**THE DISTRICT OF COLUMBIA**  
**BEFORE**  
**THE OFFICE OF EMPLOYEE APPEALS**

_____	)	
In the Matter of:	)	
	)	
MICHAEL SMITH,	)	
Employee	)	OEA Matter No. 1601-0263-10
	)	
v.	)	Date of Issuance: November 7, 2012
	)	
OFFICE OF THE STATE	)	
SUPERINTENDENT OF EDUCATION,	)	MONICA DOHNJI, Esq.
Agency	)	Administrative Judge
_____	)	
Michael Smith, Employee <i>Pro Se</i>		
Hillary Hoffman-Peak, Esq., Agency Representative		

**INITIAL DECISION**

**INTRODUCTION AND PROCEDURAL BACKGROUND**

On January 4, 2010, Michael Smith (“Employee”) filed a Petition for Appeal with the Office of Employee Appeals (“OEA” or “Office”) contesting the Office of the State Superintendent of Education’s (“Agency”) decision to terminate him from his position as a Bus Attendant. On January 15, 2010, OEA notified Agency of Employee’s Petition for Appeal in this matter. Agency was required to file an Answer to Employee’s Petition for Appeal by February 15, 2010; however, Agency failed to comply.

I was assigned this matter on June 9, 2012. Upon review of the case file, the undersigned noticed that Agency had not filed its Answer to Employee’s Petition for Appeal as required by the January 15, 2010 letter. The undersigned contacted Agency’s General Counsel, Attorney Virginia Crisman via telephone to confirm Agency’s address. On June 11, 2012, I issued an Order for Statement of Good Cause to Agency. Agency was ordered to submit a statement of cause based on its failure to submit an Answer to Employee’s Petition for Appeal. Agency had until June 25, 2012, to respond. On June 25, 2012, Agency filed a Motion for Extension of Time to File. This Motion was granted on June 27, 2012. On July 16, 2012, Agency submitted a Motion to dismiss Employee’s Petition for Appeal. Thereafter, the undersigned issued an Order scheduling a Status Conference for August 7, 2012. During the Status Conference, the parties agreed to have this matter referred to Mediation. Subsequently, a Mediation Conference was held

on September 13, 2012. The parties agreed to a settlement during the Mediation Conference. On November 6, 2012, the undersigned received the parties' written settlement agreement, along with Employee's request to withdraw his appeal with prejudice.<sup>1</sup> The record is now closed.

JURISDICTION

This 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

Since the parties have settled this matter and Employee has voluntarily withdrawn his appeal, I find that Employee's Petition for Appeal is dismissed.

ORDER

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

FOR THE OFFICE:

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MONICA DOHNJI, Esq.  
Administrative Judge

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<sup>1</sup> According to the date stamped on the Settlement Agreement, the said document was filed with this Office on September 24, 2012; however, the undersigned only received a copy of the document on November 6, 2012.