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THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:)	
)	
BELYNDA ROEBUCK,)	
Employee)	OEA Matter No. 1601-0098-12R20
)	
v.)	Date of Issuance: April 30, 2020
)	
D.C. OFFICE OF AGING,)	MONICA DOHNJI, ESQ.
Agency)	Senior Administrative Judge
)	
Robert B. Fitzpatrick, Esq., Employee's Representative		
Andrea Comentale, Esq., Agency's Representative		

INITIAL DECISION ON REMAND¹

INTRODUCTION AND PROCEDURAL HISTORY

On May 11, 2012, Belynda Roebuck (“Employee”) filed a Petition for Appeal with the D.C. Office of Employee Appeals (“OEA” or “Office”) contesting the District of Columbia Office of Aging’s (“DCOA” or “Agency”) decision to terminate her from her position as a Special Project Coordinator effective April 11, 2012. Thereafter, I held a Status Conference. Subsequently, the parties were ordered to submit briefs. Both parties submitted their respective briefs accordingly.

After considering the parties’ arguments as presented in their submissions to this Office, I decided that there are no material issues in dispute, and therefore, an Evidentiary Hearing was not required. On February 5, 2014, I issued an Initial Decision (“ID”), upholding Agency’s decision to terminate Employee. Employee filed a Petition for Review with the OEA Board.

On July 21, 2015, the OEA Board issued an Opinion and Order denying Employee’s Petition for Review. Employee appealed the OEA Board’s Opinion and Order to the District of Columbia Superior Court. The D.C. Superior Court denied Employee’s Petition for Review and affirmed the OEA Board’s decision.

¹ This decision was issued during the District of Columbia's COVID-19 State of Emergency.

Subsequently, Employee appealed her termination to the District of Columbia Court of Appeals. On October 3, 2019, the District of Columbia Court of Appeals issued a Memorandum Opinion and Judgment wherein, it noted in part that “[w]e conclude that the Office on Aging did not shoulder its burden of persuasion regarding the penalty it selected by showing that it “conscientiously” considered all the relevant *Douglas* factors to “strike a responsible balance within tolerable limits of reasonableness” as to the appropriate discipline to impose on Ms. Roebuck. We therefore must reverse the Superior Court’s affirmance and remand with directions to vacate the decision of the OEA and return the case to it for further proceedings consistent with this order.”² On October 7, 2019, the District of Columbia Superior Court issued an Order remanding this case to OEA for further proceedings consistent with the opinion of the Court of Appeals.

The undersigned issued an order on October 11, 2019, requiring the parties to submit documentation “showing that it conscientiously considered all the relevant *Douglas* factors to strike a responsible balance within tolerable limits of reasonableness as to the appropriate discipline to impose on [Employee.]”³ Thereafter, the undersigned was notified that the parties were engaged in settlement negotiations. After several requests for extensions by both parties, on March 25, 2020, Employee filed a Consent Motion to Withdraw Employee’s Appeal. Employee noted in the motion that “Ms. Belynda Roebuck, Employee, respectfully moves to withdraw her appeal on the ground that this matter has been settled.”⁴The record is now closed.

JURISDICTION

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

ISSUE

Whether Employee’s Petition for Appeal should be dismissed.

ANALYSIS AND CONCLUSIONS OF LAW

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’s representative has filed a Consent Motion to Withdraw Employee’s Appeal, I find that Employee's Petition for Appeal is DISMISSED.

² *Belynda Roebuck v. District of Columbia Office on Aging*, No. 17-CV-246 Mem. Op.& J (D.C. Oct 3, 2019).

³ *Id.*

⁴ See Consent Motion to Withdraw Employee’s Appeal (March 25, 2020).

ORDER

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

FOR THE OFFICE:

MONICA DOHNJI, Esq.
Senior Administrative Judge