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THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:)	
ALFIRIO PRESENTADO)	OEA Matter No. 1601-0347-10
Employee)	
v.)	Date of Issuance: February 28, 2014
DISTRICT OF COLUMBIA DEPARTMENT)	Lois Hochhauser, Esq.
OF REAL ESTATE SERVICES)	Administrative Judge
Agency)	

Daniel Crowley, Esq., Employee Representative
Corey Argust, Esq., Agency Representative

INITIAL DECISION

INTRODUCTION AND PROCEDURAL BACKGROUND

Alfirio Presentado, Employee herein, filed a petition with the Office of Employee Appeals (OEA) on July 26, 2010, appealing the decision of the District of Columbia Department of Real Estate Services, Agency herein, to remove him from his position of Protective Service Officer, effective “as of close of business on June 25, 2010.” The matter was initially assigned to Senior Administrative Judge Joseph Lim on July 17, 2012, and was reassigned to this Administrative Judge on March 13, 2013.

At the May 7, 2013 status conference conducted by the undersigned in this matter, the parties discussed discovery issues. An Order was issued on May 14, 2013 memorializing the decisions reached at that proceeding. The representatives kept the Administrative Judge apprised of the status by email and in submissions responsive to Orders issued by the Administrative Judge. Several status conferences were canceled at the request of the representatives, because they were engaged in settlement negotiations and believed the matter was nearing resolution. The most recent status conference was scheduled for March 3, 2014. However, on February 27, 2014, the parties advised the Administrative Judge that they had resolved the matter. Employee filed a motion on that date, requesting that the petition for appeal be withdrawn. The status conference was canceled and the record was then closed on that date.

JURISDICTION

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

ISSUE

Should this matter be dismissed?

FINDINGS OF FACT, ANALYSIS AND CONCLUSIONS

The Motion to Withdraw Petition for Appeal, signed by Employee and filed with this Office on February 27, 2014, states that Employee “withdraws his Petition for Appeal, with prejudice” since “the parties have settled their dispute and agree to abide by the terms of their Settlement Agreement.” D.C. Official Code §1-606.06(b) (2001) provides that a petition for appeal will be dismissed if the parties enter into a voluntary settlement of the matter. *See, e.g., Rollins v. District of Columbia Public Schools*, OEA Matter No. J-0086-92, Opinion and Order on Petition for Review (December 3, 1990). In his motion, Employee asked to withdraw his petition for appeal based on the Settlement Agreement entered into by the parties. The Administrative Judge finds good cause to grant the request. She concludes therefore that this petition for appeal should be dismissed and commends the parties on the successful resolution of this matter,

ORDER

Based on these findings and conclusions, and consistent with this analysis, it is now:

ORDERED: The petition for appeal is dismissed.

FOR THE OFFICE:

LOIS HOCHHAUSER, Esq.
Administrative Judge