

Notice: This decision may be formally revised before it is published in the *District of Columbia Register* and the Office of Employee Appeals' website. Parties should promptly notify the Office Manager of any formal errors so that this Office can correct them before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	
)	
BENJAMIN HALL,)	
Employee)	OEA Matter No. 1601-0118-15
)	
v.)	Date of Issuance: June 27, 2016
)	
DISTRICT OF COLUMBIA)	Monica Dohnji, Esq.
PUBLIC SCHOOLS,)	Senior Administrative Judge
Agency)	
_____)	
Ari M. Wilkenfeld, Esq., Employee's Representative)	
Lynette A. Collins, Esq., Agency's Representative)	

INITIAL DECISION

INTRODUCTION AND PROCEDURAL BACKGROUND

On August 7, 2015, Benjamin Hall ("Employee") filed a Petition for Appeal with the Office of Employee Appeals ("OEA" or "Office") contesting the District of Columbia Public Schools' ("DCPS" or "Agency") decision to terminate him from his position as Director of Music, effective July 24, 2015. On September 11, 2015, Agency filed its Answer to Employee's Petition for Appeal.

After a failed mediation attempt, this matter was assigned to the undersigned on December 21, 2015. Thereafter, several failed attempts were made by the undersigned to convene a Prehearing Conference. Subsequently, in an email dated June 10, 2016, the undersigned was informed by Agency's Representative that the matter had been resolved. On June 17, 2016, the undersigned emailed the parties requesting that Employee submit a voluntary withdrawal of his Petition for Appeal since the matter had been resolved, on or before June 24, 2016. Additionally, the undersigned noted in the email that the parties could also submit a copy of the executed settlement agreement. Agency's Representative attached a copy of the executed settlement agreement to her response to my June 17, 2016 email. As of the date of this decision, Employee has not submitted a voluntary withdrawal of his Petition for Appeal as requested. 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 which is supported by the attachment from Agency's June 17, 2016, email to the undersigned, 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:

MONICA DOHNJI, Esq.
Senior Administrative Judge