

Notice: This decision is subject to formal revision before publication in the District of Columbia Register. Parties are requested to notify the Office Manager of any formal errors in order that corrections be made prior to publication. This is not intended to provide an opportunity of a substantive challenge to the decision.

THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	
)	
DERWIN FAISON,)	
Employee)	OEA Matter No.: 1601-0144-13
)	
v.)	Date of Issuance: September 8, 2014
)	
DEPARTMENT OF YOUTH)	
REHABILITATION SERVICES,)	MONICA DOHNJI, Esq.
Agency)	Administrative Judge
_____)	
Brenda C. Zwack, Esq., Employee Representative)	
Lindsay Appiah, Esq., Agency Representative)	

INITIAL DECISION

INTRODUCTION AND PROCEDURAL BACKGROUND

On August 29, 2013, Derwin Faison (“Employee”) filed a Petition for Appeal with the Office of Employee Appeals (“OEA” or “Office”) contesting the Department of Youth Rehabilitation Services’ (“DYRS” or “Agency”) decision to terminate him from his position as a Case Manager effective August 23, 2013. On October 28, 2013, Agency filed its Answer to Employee’s Petition for Appeal. A mediation conference was held in this matter on May 30, 2014. On August 24, 2014, Employee submitted a Notice of Withdrawal of his appeal stating that the parties have resolved the matter through an amicable settlement. This matter was assigned to the undersigned on August 25, 2014. 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In the instant matter, since the parties have agreed and executed a settlement agreement, and Employee has voluntarily withdrawn his Petition for Appeal, I find that Employee's Petition for Appeal is dismissed.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:

MONICA DOHNJI, Esq.
Administrative Judge