

**THE DISTRICT OF COLUMBIA**

**BEFORE**

**THE OFFICE OF EMPLOYEE APPEALS**

In the Matter of:	)	
	)	OEA Matter No.: 1601-0110-14
JOSE SILVA ESCOBEDO,	)	
Employee	)	
	)	Date of Issuance: June 10, 2015
v.	)	
	)	
DISTRICT OF COLUMBIA PUBLIC SCHOOLS,	)	
Agency	)	
	)	
	)	Arien P. Cannon, Esq.
	)	Administrative Judge
B. Marian Chou, Esq., Employee Representative		
Carl K. Turpin, Esq., Agency Representative		

**INITIAL DECISION**

**INTRODUCTION AND PROCEDURAL BACKGROUND**

On August 15, 2014, Jose Silva Escobedo (“Employee”) filed a Petition for Appeal with the Office of Employee Appeals (“Office” or “OEA”) challenging the District of Columbia Public Schools’ (“Agency”) decision to remove him from his position as a Custodian. Agency filed its Answer on September 19, 2014. I was assigned this matter on September 22, 2014.

After the initial Prehearing Conference was rescheduled, it was ultimately held on February 23, 2015. An Evidentiary Hearing was scheduled for May 27, 2015. Prior to the Evidentiary Hearing, this matter was settled through mediation. Subsequently, on June 8, 2015, Employee submitted a Praecipe to have this matter dismissed as a result of the settlement agreement between the parties. The record is now closed.

**JURISDICTION**

Jurisdiction of this Office is established in this matter pursuant to D.C. Official Code § 1-606.03 (2001).

**ISSUE**

Whether Employee’s Petition for Appeal should be dismissed based on his voluntary withdrawal as a result of settlement negotiations.

**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.

On June 8, 2015, a Praecipe was submitted to this Office from Employee, indicating that this matter has been settled and seeking to have the case dismissed.

**ORDER**

It is hereby **ORDERED** that Employee's Petition for Appeal is **DISMISSED** with prejudice.

FOR THE OFFICE:

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Arien P. Cannon, Esq.  
Administrative Judge