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THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	
)	
DONALD DIXON)	
Employee)	OEA Matter No. 1601-0137-12
)	
v.)	Date of Issuance: December 12, 2012
)	
OFFICE OF THE STATE)	
SUPERINTENDENT OF EDUCATION)	Lois Hochhauser, Esq.
Agency)	Administrative Judge
_____)	
Hillary Hoffman-Peak, Esq., Agency Representative)	
Donald Dixon, Employee, <i>Pro Se</i>)	

INITIAL DECISION

INTRODUCTION AND PROCEDURAL BACKGROUND

Donald Dixon, Employee herein, filed a petition with the Office of Employee Appeals (OEA) on July 26, 2012, appealing the decision of the Office of the State Superintendent of Education (OSSE), Agency herein, to remove him from his position as a Bus Attendant. The matter was assigned to me on December 6, 2012.

The file contained two submissions, each signed by both Employee and Agency Representative, documenting that the matter has been settled and that the petition should be dismissed. The first document¹ stated in pertinent part, that “this settlement resolves any and all issues associated with this appeal”, and that “[Employee] agrees to withdraw his Petition for Appeal.” The second, entitled “Withdrawal of Appeal” stated, in pertinent part, that the parties “have reached a settlement in this matter [and Employee] withdraws his appeal and requests that the Clerk dismiss this case with prejudice.” The record is hereby closed.

¹ The document is entitled “Office of the State Superintendent of Education’s Settlement Statement.” However, the document is not Agency’s settlement statement, but rather is a settlement agreement signed by both parties. This Administrative Judge has alerted Agency that this caption is incorrect in the past since the document is a settlement agreement, and should be titled as such.

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

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.

The parties submitted an executed settlement agreement as well as a document in which Employee withdrew his petition for appeal. The Administrative Judge commends the parties on their successful resolution of this matter. She concludes that the petition should be dismissed, based on the settlement agreement executed by the parties as well as Employee's request that his petition for appeal be dismissed.

ORDER

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

ORDERED: The petition for appeal is dismissed.

FOR THE OFFICE:

LOIS HOCHHAUSER, Esq.
Administrative Judge