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THE DISTRICT OF COLUMBIA

BEFORE

THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	
)	
)	
Employee)	OEA Matter No. 1601-0015-21R21
)	
v.)	Date of Issuance: January 24, 2022
)	
DISTRICT OF COLUMBIA)	
DEPARTMENT OF FORENSIC SCIENCES,)	ARIEN P. CANNON, ESQ.
Agency)	Administrative Judge
)	
_____)	
Lateefah S. Williams, Esq., Employee Representative)	
Hillary Hoffman-Peak, Esq., Agency Representative)	

INITIAL DECISION ON REMAND

INTRODUCTION AND PROCEDURAL HISTORY

Employee filed a Petition for Appeal with the Office of Employee Appeals (“OEA”) on February 23, 2021, challenging the District of Columbia Department of Forensic Sciences’ (“Agency”) decision to remove him from his position as a Forensic Scientist. An Initial Decision was issued in this matter on May 27, 2021, reversing Agency’s action of terminating Employee. The basis for this decision was Agency’s failure to answer Employee’s Petition for Appeal. Agency appealed the Initial Decision to the OEA Board on June 4, 2021, asserting that it had, in fact, timely filed an Answer and Designation of Representation form via email with OEA’s now former Operations Manager, Gabrielle Smith-Barrow. However, OEA’s former Operations Manager failed to provide the undersigned a copy of Agency’s Answer or have a copy uploaded to OEA’s internal record database. In the interest of justice, this matter was remanded to the undersigned in an Opinion and Order on Petition for Review issued by the OEA Board on June 17, 2021, to address this matter on the merits.

At the request of the parties, this matter was referred to mediation on September 28, 2021. As a result of a successful mediation, the parties executed a settlement agreement. Employee submitted a Motion to Withdraw Appeal on January 21, 2022. The record is now closed.

ISSUE

Whether Employee's Petition for Appeal should be dismissed based on his withdrawal as a result of a settlement agreement.

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 January 21, 2022, Employee filed a Motion to Withdrawal Appeal. Accordingly, I find that Employee's Petition for Appeal should be dismissed as settled.

ORDER

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

FOR THE OFFICE:

ARIEN P. CANNON, ESQ.
Administrative Judge