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THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:)	
)	
EMPLOYEE,)	OEA Matter No. 1601-0055-19R21R23
)	
v.)	Date of Issuance: April 24, 2024
)	
D.C. OFFICE OF POLICE COMPLAINTS,)	JOSEPH E. LIM, ESQ.
<u>Agency</u>)	Senior Administrative Judge
<hr style="border: 0.5px solid black;"/>		
Laura Nagel, Esq., Employee Representative		
Bradford Seamon, Jr., Esq., Agency Representative		

INITIAL DECISION

PROCEDURAL HISTORY

On June 13, 2019, Employee, an Investigator with the D.C. Office of Police Complaints (“OPC” or “Agency”), filed a Petition for Appeal with the Office of Employee Appeals (“OEA”) challenging Agency’s final decision to terminate his employment for Failure to Follow Instructions and Conduct Prejudicial to the District Government. This matter was assigned to the undersigned Administrative Judge on or around September 17, 2019. After postponements requested by the parties, I held a Prehearing Conference on December 2, 2019, and Evidentiary Hearings on February 18, 2020, and February 24, 2020. On August 6, 2020, I issued an Initial Decision (“ID”) reversing Agency’s action after finding that it failed to prove Employee violated its policies.¹

On October 9, 2020, Agency appealed the ID to the Superior Court of the District of Columbia (“Sup. Court”). On June 24, 2021, the Sup. Court remanded this matter back to OEA with instructions to determine whether Employee violated the relevant District of Columbia Municipal Regulations (“DCMR”) provisions with regards to charges 1, 2, and 4 while upholding OEA’s decision on charge 3.² After holding a Status Conference on July 6, 2021, I ordered the parties to submit briefs on the issues identified by the Sup. Court.

On January 14, 2022, I upheld Agency’s decision to summarily terminate Employee’s employment after I found that Agency met its burden of proof only on one of the four charges.³ After considering the relevant sections of 6B DCMR, I also concluded that there was no clear

¹ *Employee v. OPC*, OEA Matter No. 1601-0055-19 (August 6, 2020).

² *Employee v. OPC*, Case No. 2020 CA 004294 P(MPA) (D.C. Super. Ct. December 16, 2009).

³ *Employee v. OPC*, OEA Matter No. 1601-0055-19R21 (January 14, 2022).

error in judgment by Agency in choosing termination as Employee's penalty for these remaining charges.

On August 1, 2022, Employee appealed to the Sup. Court. On March 13, 2023, the Sup. Court remanded the matter to OEA with instructions to order Agency to determine the appropriate penalty.⁴ Agency filed a Motion for Reconsideration on April 3, 2023. On May 3, 2023, the Sup. Court denied the motion and again remanded this matter to OEA to examine whether termination was still the appropriate penalty based on only one sustained charge.⁵ At the parties' request, a Status Conference was held in this matter on May 31, 2023. On June 14, 2023, I granted the parties' Motion to Stay Proceedings after they indicated that they wanted time for settlement discussions. From July 14, 2023, to March 18, 2024, the parties submitted monthly reports on the progress of their settlement talks. On April 23, 2024, Employee submitted a signed withdrawal of his appeal, indicating that the matter was settled.

JURISDICTION

The Office has jurisdiction pursuant to D.C. Official Code § 1-606.03 (2001).

ISSUE

Whether this matter should be dismissed.

ANALYSIS, AND CONCLUSION

Since the parties have settled the matter and Employee has submitted a signed withdrawal of his appeal, I conclude that Employee's Petition for Appeal is dismissed.

ORDER

It is hereby **ORDERED** that the Petition for Appeal in this matter is **DISMISSED** with prejudice.

FOR THE OFFICE:

s/s Joseph Lim

JOSEPH E. LIM, ESQ.

Senior Administrative Judge

⁴ *Employee v. OPC*, Case No. 2022 CA 003383 P(MPA) (D.C. Super. Ct. March 13, 2023).

⁵ *Employee v. OPC*, Case No. 2022 CA 003383 P(MPA) (D.C. Super. Ct. May 3, 2023).