

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:)	
)	
PRINCESS TUCKER-JONES,)	
Employee)	OEA Matter No. 1601-0201-11
)	
v.)	Date of Issuance: July 25, 2013
)	
D.C. PUBLIC SCHOOLS,)	MONICA DOHNJI, Esq.
Agency)	Administrative Judge
)	
Princess Tucker-Jones, <i>Employee Pro Se</i>		
Carl Turpin, Esq., Agency Representative		

INITIAL DECISION

INTRODUCTION AND PROCEDURAL BACKGROUND

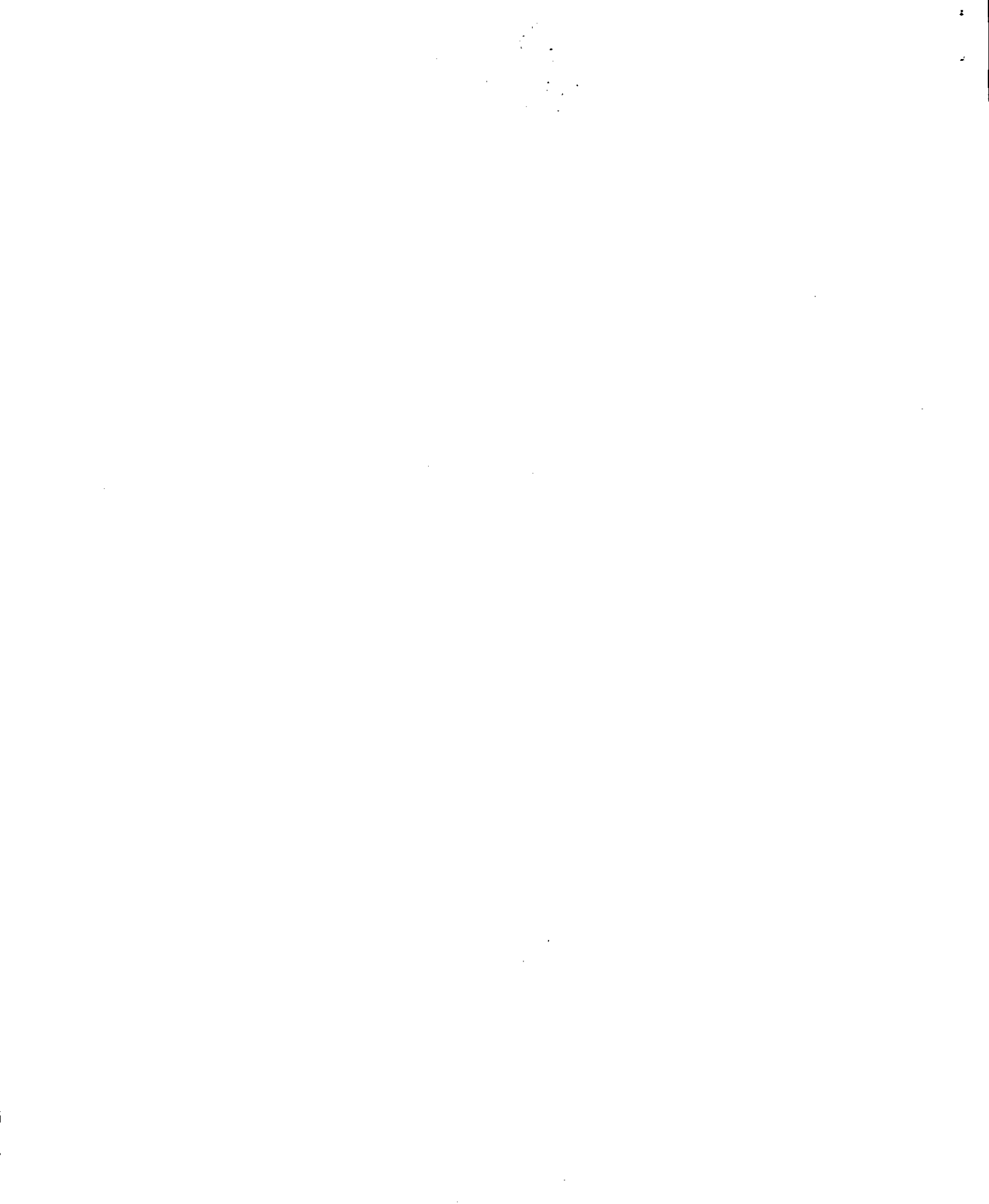
On August 29, 2011, Princess Tucker-Jones (“Employee”) filed a Petition for Appeal with the Office of Employee Appeals (“OEA” or “Office”) contesting the D.C. Public Schools’ (“DCPS” or “Agency”) decision to terminate her effective July 29, 2011. At the time of her termination, Employee was a Special Education Coordinator at Drew Elementary School. Employee was terminated for receiving an IMPACT rating of “Ineffective” for the 2010-2011 school year. On September 30, 2011, Agency submitted its Answer to Employee’s Petition for Appeal.

This matter was assigned to the undersigned on June 16, 2013. Thereafter, on June 24, 2013, the undersigned issued an Order Convening a Status Conference for July 24, 2013. Both parties were present at the Status Conference. During the Status Conference, Employee submitted a letter of Dismissal of Appeal noting in pertinent parts that “Princess Tucker-Jones, party in the above-captioned matter, submits for request that the Office of Appeals Matter No. 1601-0201-11 be dismissed.....This matter has been resolved through agency’s appeal process to the Chancellor, District of Columbia Public Schools (DCPS).”¹ This matter is now closed.

JURISDICTION

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

¹ See Employee’s Letter received July 24, 2013.



ISSUE

Whether this appeal should be dismissed.

ANALYSIS AND CONCLUSION

In her July 24, 2013, letter to this Office, Employee stated that the matter had been resolved through the District of Columbia Public Schools' Chancellor's Appeal Process on November 29, 2011 and as such, she wants the appeal to be dismissed.

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.

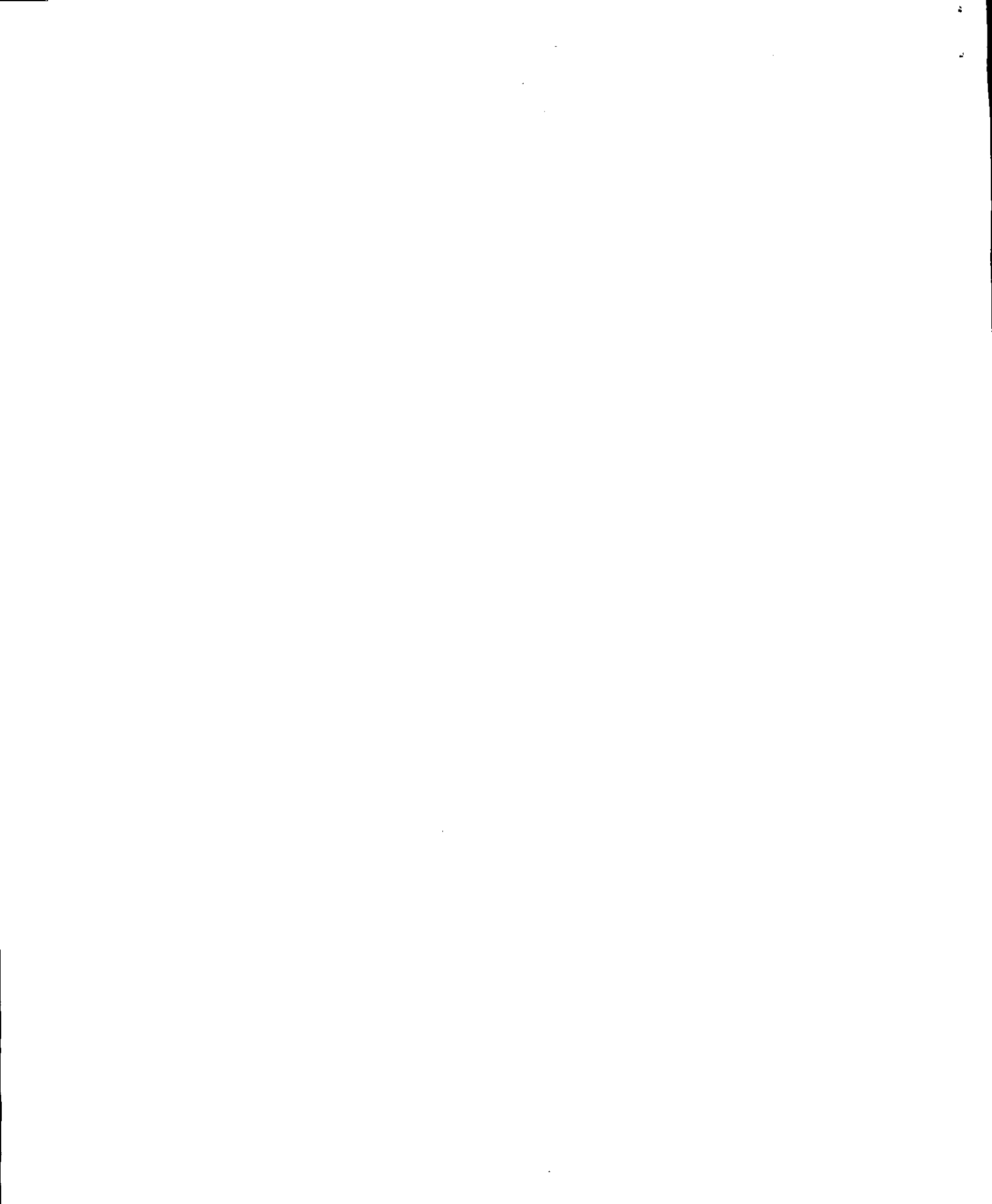
In the instant matter, since the parties have agreed and executed a settlement agreement, and Employee has voluntarily withdrawn her Petition for Appeal, I find that Employee's Petition for Appeal is dismissed.

ORDER

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

FOR THE OFFICE:

Monica D. Dohnji
MONICA DOHNJI, Esq.
Administrative Judge



NOTICE OF APPEAL RIGHTS

This is an Initial Decision that will become a final decision of the Office of Employee Appeals unless either party to this proceeding files a Petition for Review with the Office. A Petition for Review must be filed within thirty-five (35) calendar days, including holidays and weekends, of the issuance date of the Initial Decision in the case.

All petitions for review must set forth objections to the Initial Decision and establish that:

1. New and material evidence is available that, despite due diligence, was not available when the record was closed;
2. The decision of the presiding official is based on an erroneous interpretation of statute, regulation or policy;
3. The findings of the presiding official are not based on substantial evidence; or
4. The Initial Decision did not address all the issues of law and fact properly raised in the appeal.

All Petitions for Review should be supported by references to applicable laws or regulations and make specific reference to the record. The Petition for Review, containing a certificate of service, must be filed with the General Counsel's office, D.C. Office of Employee Appeals, 1100 4th St, SW (East Building), Suite 620E, Washington, DC 20024. Three (3) copies of the Petition for Review must be filed. Parties wishing to respond to a Petition for Review must file their response not later than thirty-five (35) calendar days, including holidays and weekends, after the filing of the Petition for Review.

Instead of filing a Petition for Review with the Office, either party may file a Petition for Review in the Superior Court of the District of Columbia. To file a Petition for Review with the Superior Court, the petitioning party should consult Superior Court Civil Procedure Rules, XV. Agency Review, Rule 1.

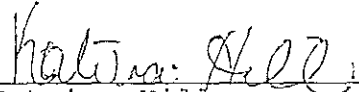


CERTIFICATE OF SERVICE

I certify that the attached INITIAL DECISION was sent by regular mail this day to:

Princess Tucker-Jones
3218C Birdwell Ct.
Laurel, MD 20724

Carl Turpin, Esq.
Office of General Counsel
1200 First St., NE
10th Floor
Washington, DC 20002


Katrina Hill
Clerk

July 25, 2013
Date

