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**THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS**

| | | |
|--|---|------------------------------------|
| _____ |) | |
| In the Matter of: |) | |
| |) | |
| JOHN MOSZCZYNSKI, |) | |
| Employee |) | |
| |) | OEA Matter No. 1601-0072-17 |
| v. |) | |
| |) | Date of Issuance: February 5, 2018 |
| DISTRICT OF COLUMBIA |) | |
| PUBLIC SCHOOLS, |) | |
| Agency |) | |
| _____ |) | |
| John Moszczynski, Employee, <i>Pro Se</i> |) | Michelle R. Harris, Esq. |
| Nicole C. Dillard, Esq., Agency Representative |) | Administrative Judge |

INITIAL DECISION

INTRODUCTION AND PROCEDURAL BACKGROUND

On July 21, 2017, John Moszczynski (“Employee”), filed a Petition for Appeal with the Office of Employee Appeals (“OEA” or “Office”) contesting the District of Columbia Public Schools’ (“Agency” or “DCPS”) decision to terminate him, through IMPACT, from his position as a Teacher. The effective date of the termination was July 29, 2017. On September 11, 2017, Agency filed its Answer to Employee’s Petition for Appeal and a Request for Mediation. This matter was assigned to the undersigned Administrative Judge on October 3, 2017.

After noting Agency’s request for mediation, this matter was referred for mediation. A mediation conference was held on January 9, 2017. Following a successful mediation, on February 2, 2018, the parties forwarded an executed copy of the settlement agreement reached in this matter.¹ The settlement agreement bears both Employee’s and Agency’s signatures. The record is now closed.

JURISDICTION

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

¹ The settlement agreement was sent to the mediator in this matter.

ISSUE

Whether this appeal should be dismissed based on the parties settlement of this matter.

FINDINGS OF FACTS, ANALYSIS AND CONCLUSIONS OF LAW

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 upon and executed a settlement agreement, pursuant to the aforementioned code provision, I find that Employee's Petition for Appeal should be dismissed with prejudice.

ORDER

It is hereby **ORDERED** that Employee's petition in this matter is **DISMISSED WITH PREJUDICE**.

FOR THE OFFICE:

Michelle R. Harris, Esq.
Administrative Judge