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**THE DISTRICT OF COLUMBIA**

**BEFORE**

**THE OFFICE OF EMPLOYEE APPEALS**

|  |   |                                     |
|--|---|-------------------------------------|
| _____  | ) |                                     |
| In the Matter of:                            | ) |                                     |
|  | ) |                                     |
| AISHAH MILLS-PHERIGO,                        | ) |                                     |
| Employee                                     | ) | OEA Matter No. J-0018-17            |
|  | ) |                                     |
| v.   | ) | Date of Issuance: December 12, 2017 |
|  | ) |                                     |
| D.C. DEPARTMENT OF HUMAN                     | ) |                                     |
| RESOURCES,                                   | ) |                                     |
| Agency                                       | ) |                                     |
|  | ) | ERIC T. ROBINSON, Esq.              |
| _____  | ) | Senior Administrative Judge         |
| Aishah Mills-Pherigo, Employee <i>Pro-Se</i> |   |                                     |
| Jhumur Razzaque, Esq., Agency Representative |   |                                     |

**INITIAL DECISION**

**PROCEDURAL BACKGROUND**

On December 14, 2016, Aishah Mills-Pherigo (“Employee”) submitted a Petition for Appeal to the Office of Employee Appeals (“OEA” or “the Office”) contesting the District of Columbia Department of Human Resources (“Agency”) action of removing her from service. On January 18, 2017, Agency submitted a Motion to Dismiss arguing that the OEA cannot exercise jurisdiction over this matter due to Employee allegedly filing her petition for appeal beyond the statutorily mandated thirty (30) day deadline. On February 2, 2017, the Undersigned issued an Order requiring Employee to submit a response to Agency’s Motion to Dismiss. The parties submitted their responses to said Order. After reviewing their respective responses, I determined that the OEA may exercise jurisdiction over this matter and as a result, on March 20, 2017, the Undersigned issued an Order Convening a Prehearing Conference (“PHC”) which was initially set for April 11, 2017. Prior to the date of the PHC, The Agency submitted a Motion for Certification of an Interlocutory Appeal (“MCIA”) to the OEA Board contesting the Undersigned’s decision to exercise jurisdiction over this matter. The MCIA was granted and on June 6, 2017, the OEA Board issued an Opinion and Order wherein it denied Agency’s Motion to Dismiss. Consequently, the PHC was rescheduled (due to the parties request for a continuance) for September 12, 2017. The PHC was held as scheduled and during it, the parties indicated that they wanted to attempt settlement of this matter under the auspices of the OEA’s Mediation Department. On December 14, 2017, Employee submitted a fully executed notice

withdrawing her Petition for Appeal. After reviewing the record, I have determined that no further proceedings are warranted. The record is now closed.

### JURISDICTION

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

### ISSUE

Whether this matter may now be dismissed.

### ANALYSIS AND CONCLUSION

I am guided by the OEA rules in this matter. OEA 606.2<sup>1</sup> provides that “the Office shall exert every possible effort to resolve matters by mediation, to the extent possible, rather than through litigation.” Furthermore, OEA Rule 606.11 states that “if the parties reach a settlement, the matter shall be dismissed in accordance with D.C. Official Code § 1-606.06(b) (2006 Repl.)” Employee has submitted a fully executed notice withdrawing her Petition for Appeal. Accordingly, I find that Employee’s Petition for Appeal should be dismissed in accordance with OEA Rule 606.11.

### ORDER

Based on the foregoing, it is hereby ORDERED that this matter be DISMISSED.

**FOR THE OFFICE:**

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Eric T. Robinson, Esq.  
Senior Administrative Judge

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<sup>1</sup> 59 DCR 2129 (March 16, 2012).