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THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:)	
DONNA ARRINGTON)	OEA Matter No. 1601-0120-12
Employee)	
v.)	Date of Issuance: December 5,
)	2012
OFFICE OF THE STATE SUPERINTENDENT)	
OF EDUCATION)	Lois Hochhauser, Esq.
Agency)	Administrative Judge

Ms. Donna Arrington, Employee
Hillary Hoffman-Peak, Esq., Agency Representative

INITIAL DECISION

INTRODUCTION AND PROCEDURAL BACKGROUND

Ms. Donna Arrington, Employee herein, filed a petition with the Office of Employee Appeals (OEA) on June 27, 2012, appealing the decision of the Office of the State Superintendent of Education (OSSE), Agency herein, to remove her from her position as a Bus Attendant.

The matter was assigned to me on November 16, 2012. Based on documentation in the file, it appeared that the parties had settled the matter. On November 19, 2012, I issued an Order directing Employee to notify me by November 29, 2012, if she did not want the petition dismissed based on a settlement of the matter. I informed the parties that the record would close on November 29, 2012 unless I notified them to the contrary. The Order was mailed to Employee at the address listed in her petition by first class mail, postage prepaid. It was not returned, and is presumed to have been received by Employee in a timely manner. Employee did not submit a response. The record closed on November 29, 2012.

JURISDICTION

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

ISSUE

Should this matter be dismissed?

FINDINGS OF FACT, ANALYSIS AND CONCLUSIONS

D.C. Official Code §1-606.06(b) (2001) states that a petition for appeal will be dismissed when the parties enter into a voluntary settlement of the matter. *See also, Rollins v. District of Columbia Public Schools*, OEA Matter No. J-0086-92, *Opinion and Order on Petition for Review* (December 3, 1990). In this matter, both Employee and Agency Representative signed a document¹ which states, in pertinent part, that the matter is settled; that the settlement resolves all issues associated with the appeal; and that as part of the settlement, Employee sought to withdraw her petition for appeal. Employee was given the opportunity to state that the matter was not settled and/or that she did not want the appeal dismissed. She did not do so. This reasonably leads to the conclusion that the settlement was voluntary and that Employee intended her petition for appeal to be dismissed.

ORDER

Based on these findings and conclusions, and consistent with this analysis, it is hereby

ORDERED: The petition for appeal is dismissed.

FOR THE OFFICE:

LOIS HOCHHAUSER, Esq.
Administrative Judge

¹ The document is captioned “Office of the State Superintendent of Education’s Settlement Statement”, but the contents reflect that it is a Settlement Agreement. Agency is urged to use the correct caption for future documents to avoid any confusion.