

Notice: This decision may be formally revised before it is published in the *District of Columbia Register*. Parties should promptly notify the Administrative Assistant of any formal errors so that this Office can correct them before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	
)	
DANA V. MOSES)	
Employee)	
)	OEA Matter No. 2401-0275-97
)	
v.)	Date of Issuance: September 28, 2001
)	
DEPARTMENT OF)	
ADMINISTRATIVE SERV.)	
Agency)	
_____)	

OPINION AND ORDER
ON
PETITION FOR REVIEW

Employee was the subject of a reduction-in-force, and filed an appeal in this Office based on that action. During the course of the proceedings, the Administrative Judge scheduled a prehearing conference. On the day of the conference, the parties informed the Administrative Judge that they had reached a settlement agreement. Thus, the Administrative Judge dismissed the appeal.

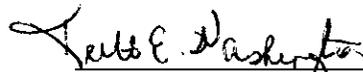
Employee has since filed a Petition for Review arguing that the settlement agreement was never executed between the parties. According to Employee, the parties told the Administrative Judge on the day of the prehearing conference that they had reached a settlement in principle. However, according to Employee, the parties never executed the agreement and thus, never made the agreement part of the record. Further, Employee never withdrew her appeal in reliance on the settlement agreement.

D.C. Code § 1-606.6(b) governs the course of an appeal when the parties have proposed settling the matter. According to that section, the Administrative Judge is to dismiss the appeal with prejudice when the “parties [have] agree[ed] to a settlement without a decision on the merits of the case [and] a settlement agreement [has been] prepared and signed by all parties. . . .” Admittedly Employee and Agency, on several occasions, discussed settling the matter. In fact the record contains several proposed settlement agreements. However, the parties have failed to actually execute any of the proposed agreements. In view of this fact, we believe the appeal should be remanded to the Administrative Judge for further proceedings consistent with this decision.

ORDER

Accordingly, it is hereby ORDERED that Employee's Petition for Review is GRANTED and the appeal is REMANDED to the Administrative Judge for further proceedings.

FOR THE BOARD:



Keith E. Washington, Chair

RECUSED

Gwendolyn Hemphill



Michael Wolf, Esq.

The initial decision in this matter shall become a final decision of the Office of Employee Appeals 5 days after the issuance of this order. An appeal from a final decision of the Office of Employee Appeals may be taken to the Superior Court of the District of Columbia within 30 days after formal notice of the decision or order sought to be reviewed.