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THE DISTRICT OF COLUMBIA

BEFORE

THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	
)	
TIMOTHY JONES)	OEA Matter No. 1601-0206-10
Employee)	
)	Date of Issuance: October 22, 2010
v.)	
)	Lois Hochhauser, Esq.
D.C. DEPARTMENT OF MENTAL HEALTH)	Administrative Judge
Agency)	
_____)	
Timothy Jones, Employee)	
Ross Buchholz, Esq., Agency Representative)	

INITIAL DECISION

INTRODUCTION AND STATEMENT OF FACTS

Timothy Jones, Employee herein, filed a petition with the Office of Employee Appeals (OEA) on August 9, 2009, appealing the final decision of the D.C. Department of Mental Health, Agency herein, to terminate his employment as a Forensic Psychiatric Technician, effective July 16, 2009 based on the charge of Absent Without Leave (AWOL). At the time of his removal, Employee had been employed by Agency for approximately 19 years and was in career and permanent status.

The matter was assigned to me on July 19, 2010. At the prehearing conference, which took place on August 13, 2010, Employee stated that he had provided Agency with valid medical documentation and therefore the AWOL charge was improper. He also disputed Agency's charge that it had been unable to contact him, stating that he had provided Agency with his current address in 2007. However, he was unable to locate all of the pertinent documents. Mr. Buchholz stated that Agency had not received any medical documentation or notification of any change in address. At the prehearing conference, Employee agreed to sign releases so Agency could obtain its medical records during the pertinent period. The parties agreed to try to resolve this matter, and after the proceeding the Administrative Judge issued an Order summarizing the proceeding and directing the parties to submit a status report by September 3, 2010. Prior to that date, the parties notified the Administrative Judge that they were close to resolution and asked for additional time. The Administrative Judge granted the request.

The parties submitted Settlement Agreement executed by the parties, on October 8, 2010. As part of the Settlement Agreement, Employee agreed to withdraw this petition for appeal with prejudice. The record is now closed.

JURISDICTION

Office has jurisdiction pursuant to D.C. Office Code Section 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 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.

The parties have submitted a Settlement Agreement signed by both parties. As part of the Agreement, Employee agreed to withdraw this appeal.

The Administrative Judge commends the parties on their successful resolution of this matter, and concludes that the petition should be dismissed.

ORDER

It is hereby ORDERED that the petition for appeal is DISMISSED.

FOR THE OFFICE:

Lois Hochhauser, Esq.
Administrative Judge