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THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:)	
)	
SHERMAN LANKFORD)	OEA Matter No. 1601-0147-06R10
Employee)	
)	Date of Issuance: October 4, 2011
v.)	
)	Joseph E. Lim, Esq.
METROPOLITAN POLICE DEPARTMENT)	Senior Administrative Judge
Agency)	
E. Ned Sloan, Esq., Employee Representative)	
Ross Buchholz, Esq., Agency Representative)	

INITIAL DECISION

PROCEDURAL BACKGROUND

On August 30, 2006, Employee appealed his removal by the agency for Conduct Unbecoming an Officer. Specifically, Employee was accused of removing a binocular from a crime scene without authorization.

After a January 17, 2007 prehearing conference, I closed the record after the parties submitted their final briefs on the issue of the 45-day rule with regards to Agency's Final Notice of Adverse Action on Employee. On March 26, 2007, I issued an Initial Decision (ID) reversing Agency's termination of Employee on the ground that Agency had violated its own mandatory 45-day rule as laid out in General Order 1202.1. On appeal, the Office of Employee Appeals (OEA) Board upheld the ID on its Opinion and Order issued on November 13, 2008.

Agency appealed once again, and on March 16, 2010, the D.C. Superior Court remanded the matter back to the OEA for further exposition on the precise legal principles on which it relies. Based on this directive, the OEA Board remanded the matter back to me on July 30, 2010.

I held a status conference on August 27, 2010, to determine whether Employee suffered any prejudice as a result of Agency's violation of the said 45-day rule. At the conference, I informed the parties that a hearing will be scheduled once monies are available. I urged the parties to engage in settlement discussions. A hearing was scheduled for February 2011 and then again for September 2011 after the parties indicated they needed more time to finish their settlement talks. On September 13, 2011, the parties submitted a signed settlement agreement and asked me to dismiss this appeal with prejudice.

JURISDICTION

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

ISSUE

Whether this matter should be dismissed with prejudice.

ANALYSIS AND CONCLUSION

Since the parties have settled the matter, Employee's petition for appeal is dismissed.

ORDER

It is hereby ORDERED that the petition in this matter is dismissed with prejudice.

FOR THE OFFICE:

JOSEPH E. LIM, ESQ.
Senior Administrative Judge