

Notice: This decision is subject to formal revision before publication in the District of Columbia Register. Parties are requested to notify the Office Manager of any formal errors in order that corrections may be made prior to publication. 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:	)	
	)	
RYAN PETRASEK,	)	
Employee	)	OEA Matter No. 1601-0103-05
	)	
v.	)	Date of Issuance: April 10, 2006
	)	
METROPOLITAN POLICE	)	
DEPARTMENT,	)	ERIC T. ROBINSON, Esq.
Agency	)	Administrative Judge
	)	

Robert Waldeck, Esq., Employee Representative  
Mark Viehmayer, Esq., Agency Representative

**INITIAL DECISION**

INTRODUCTION, PROCEDURAL HISTORY, AND STATEMENT OF FACTS

On June 17, 2005, Ryan Petrasek filed a Petition for Appeal with the Office of Employee Appeals (hereinafter “the Office”) contesting the Metropolitan Police Department’s adverse action of fining him in the amount of \$1000.00. I was assigned this matter on November 15, 2005. On November 16, 2005 I issued an Order Convening a Prehearing Conference set to occur on January 18, 2006. The Prehearing Conference was held as scheduled. During it, the question of whether this Office has jurisdiction was raised by me *sua sponte*. In order to properly address the question of this Office’s jurisdiction, I required both parties to submit legal briefs regarding the jurisdiction of this Office. Also, during the Prehearing Conference, I informed the parties of the option of pursuing this matter through this Office’s Mediation and Conciliation Program. Both parties informed me that they would contact their respective clients and would see if mediation was an option that they wanted to pursue. Lastly, I Ordered both parties to return to the Office for a Status Conference on March 14, 2006.

The parties submitted their respective legal briefs as required by my previous Order. Further, they each got permission from their respective clients to pursue

mediation of this matter. The Status Conference was held as scheduled. During it, I informed the parties that, *inter alia*, I was still considering the question of whether this Office has jurisdiction over this matter, but that nonetheless we will prepare for an Evidentiary Hearing in this matter. I then scheduled a Telephone Status Conference for April 7, 2006, which was subsequently rescheduled to April 14, 2006.

On April 10, 2006, I was informed by Senior Administrative Judge Daryl Hollis – the mediator assigned to this matter, that the mediation was ultimately successful and that the parties had signed a settlement agreement that resolved the underlying issues in this matter. The record is now closed.

ISSUE

Whether this case may be dismissed.

JURISDICTION

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

ANALYSIS AND CONCLUSION

D.C. Official Code § 1-606.06(b) (2001) states in pertinent part that:

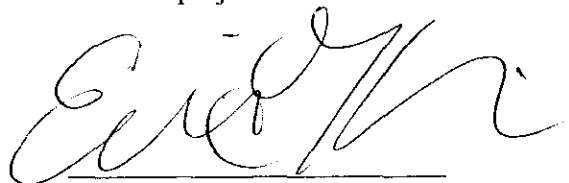
If the parties agree to a settlement without a decision on the merits of the case, a settlement agreement, prepared and signed by all parties, shall constitute the final and binding resolution of the appeal, and the [Administrative Judge] shall dismiss the appeal with prejudice.

The parties have submitted a fully executed settlement agreement that resolves the underlying issues in this matter. This meets the requirements of the above provision of the D.C. Code and constitutes the final and binding resolution of the appeal. Therefore, I conclude that this matter should be dismissed.

ORDER

It is hereby ORDERED that this matter is DISMISSED with prejudice.

**FOR THE OFFICE:**



Eric T. Robinson, Esq.  
Administrative Judge