

**UNITED STATES OF AMERICA
MERIT SYSTEMS PROTECTION BOARD
CENTRAL REGIONAL OFFICE**

MARIO DESANCTIS,
Appellant,

DOCKET NUMBER
CH-0707-15-0662-J-1

v.

DEPARTMENT OF VETERANS
AFFAIRS,
Agency.

DATE: September 11, 2015

Timothy Lecher, Milwaukee, Wisconsin, for the appellant.

Cedrick L. Wilson, Washington, D.C., for the agency.

Leigh E. Schwarz, Esquire, Portland, Oregon, for the agency.

Richard Johns, Washington, D.C., for the agency.

Soquel Harding, Washington, D.C., for the agency.

BEFORE

Michele Szary Schroeder
Chief Administrative Judge

DECISION

On September 5, 2015, Mario DeSanctis filed an appeal challenging the decision of the Department of Veterans Affairs (VA) to remove him from employment as the Director of the Medical Center in Tomah, Wisconsin. The VA's removal action was taken pursuant to the Veterans Access, Choice, and Accountability Act of 2014, *See* 38 U.S.C. § 713. The Merit Systems Protection Board has jurisdiction of this matter pursuant to that statute.

On September 10, 2015, the parties submitted a fully executed settlement agreement.¹ See Appeal Record, Tab 41. Public policy favors settlement agreements, which avoid unnecessary litigation and promote fair and speedy resolution of disputed issues. See *Richardson v. Environmental Protection Agency*, 5 M.S.P.R. 248, 250 (1981), modified by, *Shaw v. Department of the Navy*, 39 M.S.P.R. 586 (1989), overruled on other grounds by, *Joyce v. Air Force*, 74 M.S.P.R. 112 (1997). If a settlement agreement is submitted for the record, the Board retains jurisdiction for enforcement purposes. *Id.* The Board's administrative judges must ensure, however, that settlements are lawful and freely made before they are entered into the appellate record. *Id.*

I have reviewed the settlement agreement and find it fully resolves the issues raised by this appeal. I find this settlement agreement is lawful on its face and that the parties freely entered into the agreement, understand its terms, and intend to have the agreement entered into the record. I therefore accept the settlement agreement into the record for purposes of enforcement. See *Brown v. Department of Veterans Affairs*, 113 M.S.P.R. 400, ¶¶ 4-5 (2010); *Ector v. Department of Veterans Affairs*, 112 M.S.P.R. 439, ¶ 4 (2009). This appeal is dismissed as settled.

/S/
Michele Szary Schroeder
Chief Administrative Judge

¹ Paragraph five of the settlement agreement contains an Age Discrimination in Employment Act waiver although the statutory requirements of such a waiver were not specified. See 29 U.S.C. § 626. Because the appellant did not allege age discrimination, the waiver is not necessary.

NOTICE TO APPELLANT

Pursuant to 38 U.S.C. § 713(e)(2), this decision is final and not subject to any further appeal.

ENFORCEMENT

The settlement agreement has been made part of the record. If you believe there has not been full compliance with the terms of the agreement, you may ask the Board to enforce the agreement by filing a petition for enforcement with this office.

Your petition for enforcement must describe specifically the reasons why you believe there is noncompliance. It must include the date and results of any communications regarding compliance, and a statement showing that a copy of the petition was either mailed or hand-delivered to the agency.

Any petition for enforcement must be filed within a reasonable period of time after you discover the asserted noncompliance. If you believe that your petition is filed late, you should include a statement and evidence showing good cause for the delay and a request for an extension of time for filing.