

Notice: This decision may be formally revised before it is published in the *District of Columbia Register* and the Office of Employee Appeals’ website. Parties should promptly notify the Office Manager 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:)	
)	OEA Matter No.: J-0046-23
EMPLOYEE, ¹)	
Employee)	
)	Date of Issuance: September 7, 2023
v.)	
)	
METROPOLITAN POLICE DEPARTMENT,)	MICHELLE R. HARRIS, ESQ.
Agency)	Senior Administrative Judge
)	
)	
)	

Employee, *Pro Se*
Tricia Brissett, Esq., Agency Representative

INITIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

On June 20, 2023, Employee filed a Petition for Appeal with the Office of Employee Appeals (“OEA” or “Office”) contesting the District of Columbia Department of Corrections’ (“Agency” or “MPD”) decision to remove him from service. Following a letter from OEA dated June 21, 2023, requesting an Answer in this matter, Agency filed its Answer on July 20, 2023. Agency cited therein that Employee was in Management Supervisory Service (MSS) at the time of separation, and that OEA lacked jurisdiction to adjudicate this matter. Agency also cited that Employee had resigned from his position on June 7, 2023. This matter was assigned to the undersigned Senior Administrative Judge on July 20, 2023.

On July 27, 2023, I issued an Order requiring the parties to submit briefs regarding the jurisdiction issue raised by Agency. Employee’s brief was due on or before August 17, 2023. Agency’s response was due on August 31, 2023. Employee did not submit a brief as required. As a result, on August 24, 2023, I issued an Order for Statement of Good Cause to Employee. Employee was ordered to submit his brief, along with a statement of good cause for his failure to submit a brief by the prescribed deadline. Employee’s statement for good cause and brief were due on or before September 1, 2023. On August 30, 2023, Employee filed a response and cited therein that he wished to withdraw his Petition for Appeal. The record is now closed.

¹ Employee’s name was removed from this decision for the purposes of publication on the Office of Employee Appeals’ website.

JURISDICTION

The jurisdiction of this Office has not been established in this matter.

ISSUE

Whether this appeal should be dismissed based upon Employee's voluntary withdrawal.

BURDEN OF PROOF

OEA Rule 631.1, 6-B DCMR Ch. 600 (December 27, 2021) states:

The burden of proof for material issues of fact shall be by a preponderance of the evidence. "Preponderance of the evidence" shall mean:

That degree of relevant evidence which a reasonable mind, considering the record as a whole, would accept as sufficient to find a contested fact more probably true than untrue.

OEA Rule 631.2 *id.* states:

For appeals filed under §604.1, the employee shall have the burden of proof as to issues of jurisdiction, including timeliness of filing. The agency shall have the burden of proof as to all other issues.

ANALYSIS AND CONCLUSIONS OF LAW

In his August 30, 2023, submission to this Office, Employee noted that he "request the withdrawal of [his] Petition for Appeal filed at the Office of Employee Appeals."² Accordingly, I find that since Employee has filed a request to withdraw his Petition for Appeal, that Employee's Petition should be dismissed.

ORDER

It is hereby **ORDERED** that the Petition in this matter is **DISMISSED**.

FOR THE OFFICE:

/s/ Michelle R. Harris
MICHELLE R. HARRIS, ESQ.
Senior Administrative Judge

² Employee's Response (August 30, 2023).