

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 of Employee Appeals' Chief Operating Officer 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:)	
)	
EMPLOYEE,)	
Employee)	OEA Matter No. J-0060-23-R25
)	
v.)	Date of Issuance: September 4, 2025
)	
DISTRICT OF COLUMBIA)	
DEPARTMENT OF)	
TRANSPORTATION,)	
Agency)	ERIC T. ROBINSON, ESQ.
)	SENIOR ADMINISTRATIVE JUDGE
)	
Tameka Garner-Barry, Employee Representative		
Kathleen R. Black, Esq., Agency Representative		

INITIAL DECISION ON REMAND

INTRODUCTION AND PROCEDURAL HISTORY

On August 25, 2023, Employee filed a Petition for Appeal with the Office of Employee Appeals (“OEA” or the “Office”) contesting the District of Columbia Department of Transportation’s (“Agency”) adverse action of removing him from service. Employee’s last position of record was Maintenance Mechanic (WS-4749-10). By letter dated August 25, 2023, the Executive Director of the OEA required Agency to submit an Answer to Employee’s Petition for Appeal by September 24, 2023. Agency timely submitted its Answer and its Motion to Dismiss on September 22, 2023. According to a letter dated July 14, 2023, the effective date of Employee’s removal was July 28, 2023. This letter informed Employee that he was being removed from service during his probationary period and that given as much, he could neither appeal nor grieve his termination. This matter was assigned to the Undersigned on or around September 25, 2023. In his Petition for Appeal, Employee admitted to having worked for the Agency for approximately eleven months prior to his removal from service. Upon initial review of the documents of record, the Undersigned noted that there was a valid question as to whether the OEA may exercise jurisdiction over this matter due to Employee’s removal being effectuated during his probationary period. Accordingly, on September 25, 2023, an Order was issued whereby Employee was

required to provide factual and legal justification for the OEA to exercise jurisdiction over this matter. This Order required Employee to submit his response on or before October 13, 2023. Employee did not file a response with the OEA. After reviewing the documents of record, the Undersigned determined that no further proceedings were warranted. An Initial Decision was issued on October 30, 2023, wherein Employee's Petition for Appeal was dismissed due to findings that he was a probationary employee at the time of his removal. This finding was buttressed by his inaction in providing a written response to the aforementioned Order that was issued by the Undersigned.

On October 10, 2024, Employee filed a Petition for Review with the Board of the OEA contesting the Initial Decision. On April 24, 2025, the OEA Board issued an Opinion and Order ("O&O") on Petition for Review. Through the O&O, the OEA Board opted to remand this matter to the Undersigned. Consistent with that mandate, the Undersigned held a Status Conference and then issued an Order on July 1, 2025, wherein the parties were required to address, in written briefs, whether this Office may exercise jurisdiction over this matter. On September 3, 2025, the parties submitted a Joint Motion for Dismissal, wherein both parties, through counsel, requested that the above-captioned matter be dismissed. After reviewing the salient documents of record, I have determined that no further proceedings are necessary. The record is now closed.

JURISDICTION

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

ISSUE

Whether this matter should be dismissed.

ANALYSIS AND CONCLUSION

Since Employee voluntarily withdrew his petition for appeal, I find that Employee's Petition for Appeal should be dismissed.

ORDER

Based on the foregoing, it is hereby ORDERED that the above-captioned Petition for Appeal be dismissed.

FOR THE OFFICE:

/s/ Eric T. Robinson

Eric T. Robinson, Esq.
Senior Administrative Judge