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**THE DISTRICT OF COLUMBIA  
BEFORE  
THE OFFICE OF EMPLOYEE APPEALS**

|                                                |   |                                                        |
|------------------------------------------------|---|--------------------------------------------------------|
| In the Matter of:                              | ) |                                                        |
|                                                | ) | OEA Matter No.: 1601-0071-24                           |
| EMPLOYEE <sup>1</sup> ,                        | ) |                                                        |
| Employee                                       | ) |                                                        |
|                                                | ) | Date of Issuance: October 31, 2024                     |
| v.                                             | ) |                                                        |
|                                                | ) |                                                        |
| D.C. PUBLIC SCHOOLS,                           | ) |                                                        |
| Agency                                         | ) | Michelle R. Harris Esq.<br>Senior Administrative Judge |
| Employee, <i>Pro Se</i>                        | ) |                                                        |
| Gehrie D. Bellamy, Esq., Agency Representative |   |                                                        |

**INITIAL DECISION**

**INTRODUCTION AND PROCEDURAL HISTORY**

On August 2, 2024, Employee filed a Petition for Appeal with the Office of Employee Appeals (“OEA” or “Office”) contesting the District of Columbia Public Schools’ (“Agency” or “DCPS”) decision to remove her from service pursuant to IMPACT. Following a letter from OEA dated August 8, 2024, requesting an Answer in this matter, Agency filed its Answer on September 24, 2024. This matter was assigned to the undersigned Senior Administrative Judge (“SAJ”) on September 6, 2024. On September 10, 2024, I issued an Order Convening a Prehearing Conference in this matter for October 22, 2024, and required Prehearing Statements be submitted by October 15, 2024. On October 3, 2024, the Office received returned mail for the Order mailed to Employee. It was determined that the Order had been sent to an incorrect address, and as a result, Employee did not receive the Order. Accordingly, on October 7, 2024, I issued an Order Rescheduling the Prehearing Conference to October 30, 2024. Agency filed its Prehearing Statement on October 9, 2024. On October 17, 2024, Employee notified the undersigned via email of her intention to withdraw her appeal before this Office. As a result of this notification, the undersigned canceled the Prehearing Conference scheduled for October 30, 2024, and advised Employee that a written notice of withdrawal must be submitted for the record. On October 25, 2024, Employee filed a Notice to Withdraw her Petition for Appeal. The record is now closed.

**JURISDICTION**

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

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

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 her October 25, 2024, submission to this Office, Employee noted that she wished to withdraw her appeal before this Office.<sup>2</sup> Accordingly, I find that since Employee has voluntarily filed a request to withdraw her Petition for Appeal, Employee's Petition in this matter should be dismissed.

ORDER

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

FOR THE OFFICE:

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

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<sup>2</sup> Employee's Notice of Withdrawal (October 25, 2024).