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

In the Matter of:	)	
	)	OEA Matter No.: J-0050-24
EMPLOYEE, <sup>1</sup>	)	
Employee	)	
	)	Date of Issuance: July 15, 2024
v.	)	
	)	
D.C. PUBLIC SCHOOLS,	)	NATIYA CURTIS ESQ.
Agency	)	Administrative Judge
	)	
	)	
Employee, <i>Pro Se</i>		
Gehrrie Bellamy, Esq., Agency Representative		

**INITIAL DECISION**

**INTRODUCTION AND PROCEDURAL HISTORY**

On May 13, 2024, Employee filed a Petition for Appeal with the Office of Employee Appeals (“OEA” or “Office”) contesting the District of Columbia Public School’s decision not to rescind her resignation.<sup>2</sup> In a letter dated May 13, 2024, OEA requested that Agency submit an Answer to Employee’s Petition for Appeal. Agency filed its Answer and Motion to Dismiss on June 12, 2024. Agency noted therein that OEA lacked jurisdiction over Employee’s appeal because Employee resigned from her employment with DCPS, and therefore was not appealing a final agency decision pursuant to OEA Rule 604.1<sup>3</sup>. This matter was assigned to the undersigned Administrative Judge (“AJ”) on June 12, 2024. On June 13, 2024, Agency submitted an Amended Answer and Motion to Dismiss, which asserted that OEA lacked jurisdiction over Employee’s appeal because Employee was not appealing a final agency decision, and was in a probationary status at the time of her resignation.<sup>4</sup> On June 14, 2024, the undersigned issued an Order for Briefs on Jurisdiction, requiring Employee to submit a brief on whether this matter should be dismissed for lack of jurisdiction because Employee resigned from her position, and was not terminated. Employee’s brief was due on or before July 12, 2024. Agency’s response was due on or before July 29, 2024.

On June 20, 2024, Employee emailed this Office with questions regarding the filings submitted in this matter. Accordingly, the undersigned issued an Order for Status Conference on June 25, 2024,

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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.

<sup>2</sup> Employee’s Petition for Appeal, (May 13, 2024).

<sup>3</sup> 6-B DCMR 604.1 (December 27, 2021).

<sup>4</sup> Agency’s Amended Answer and Motion to Dismiss (June 13, 2024).

convening a Status Conference on Tuesday July 9, 2024. On July 2, 2024, Employee emailed the undersigned and requested to withdraw her Petition for Appeal. As substantive requests are not discussed via email, I advised Employee to submit a statement in writing to this Office.<sup>5</sup> On July 8, 2024, Employee submitted her statement of withdrawal.

### 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.

### ANALYSIS AND CONCLUSIONS OF LAW

In her July 8, 2024, submission to this Office, Employee noted that she would like to have this matter dismissed.<sup>6</sup> Accordingly, I find that since Employee has filed a request to withdraw her Petition for Appeal, that Employee's Petition should be dismissed.

### ORDER

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

FOR THE OFFICE:

/s/ Natiya Curtis  
NATIYA CURTIS, ESQ.  
Administrative Judge

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<sup>5</sup> All filings made to the Office, except for the Petition for Appeal, Petition for Review and Agency Answer, must be made in accordance with OEA Rule 608.8 which provides, in part, that "a party must submit two (2) hard copies of any pleading, motion, exhibit or witness list, discovery response, or any written submission, either by mail or hand-delivery to the Office."

<sup>6</sup> Employee's Notice to Withdraw (July 8, 2024).