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THE DISTRICT OF COLUMBIA

BEFORE

THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	
)	
CHRISTINE DAVIS)	OEA Matter No. 2401-0160-04
Employee)	
)	Date of Issuance: October 7, 2005
v.)	
)	Daryl J. Hollis, Esq.
)	Senior Administrative Judge
D.C. PUBLIC SCHOOLS)	
Agency)	
_____)	

James Maloney, Esq., Employee Representative
Harriet Segar, Esq., Agency Representative

INITIAL DECISION

INTRODUCTION AND STATEMENT OF FACTS

On July 16, 2004, Employee, a Vocal Music Teacher at Lafayette Elementary School, filed a petition for appeal from Agency's final decision separating her from Government service pursuant to a reduction-in-force (RIF).

This matter was assigned to me on March 30, 2005. I conducted a Prehearing Conference on May 16, 2005. One of the issues addressed at that proceeding was the fact that in addition to filing an appeal of her separation with this Office, Employee had also grieved her separation through the appropriate procedures set forth in the collective bargaining agreement between Agency and Employee's bargaining agent, the Washington Teachers' Union (WTU). The key question was through which venue had Employee first

proceeded?¹ However, on August 3, 2005, Employee submitted a written withdrawal of the instant petition for appeal.² The record is closed.

JURISDICTION

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

ISSUE

Whether this matter may now be dismissed.

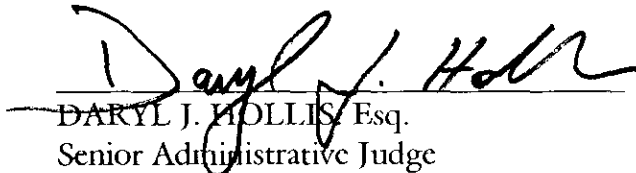
ANALYSIS AND CONCLUSION

Employee has voluntarily withdrawn her petition for appeal. Pursuant to this withdrawal, I conclude that this matter may now be dismissed.

ORDER

It is hereby ORDERED that this matter is DISMISSED.

FOR THE OFFICE:


DARYL J. HOLLIS, Esq.
Senior Administrative Judge

¹ D.C. Official Code § 1-616.52(e) (2001) reads as follows: "Matters covered under this subchapter that also fall within the coverage of a negotiated grievance procedure may, in the discretion of the aggrieved employee, be raised either pursuant to § 1-606.03 [pertaining to appeals to this Office], or the negotiated grievance procedure, but not both." Section 1-616.52(f) sets forth the procedures through which "an Employee shall be deemed to have exercised their option pursuant to subsection (e). . . ."

Although not of decisional significance in this case, and in fact not specifically raised herein, Agency has questioned the relevance of §§ 1-616.52(e) and (f) to reductions-in-force. As of the issuance of this initial decision, it is my understanding that this question has not been addressed in any decision rendered by this Office.

² In her withdrawal, Employee notes: "This withdrawal shall be without prejudice to Ms. Davis' continued pursuit of her pending grievance pursuant to the procedures set forth in the collective bargaining agreement between [WTU] and [Agency]."