

Notice: This decision may be formally revised before it is published in the *District of Columbia Register*. Parties should promptly notify the Administrative Assistant 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: )  
)  
JEROME WEST )  
Employee )  
)  
)  
v. )  
)  
DEPARTMENT OF CORRECTIONS )  
Agency )  
)  
\_\_\_\_\_ )

OEA Matter No. 1601-0038-03

Date of Issuance: December 7, 2005

OPINION AND ORDER  
ON  
PETITION FOR REVIEW

Jerome West ("Employee") was a Correctional Officer when the Department of Corrections ("Agency") removed him from his position on February 13, 2003 based on the charge of malfeasance. Agency claimed that Employee had participated in a strip search of a child who was part of a group of children from Evans Junior High School visiting the Lorton Correctional Facility.

On April 21, 2005 the Administrative Judge issued an Initial Decision in which she reversed Agency's action and ordered Agency to return Employee to work and to restore all lost pay and benefits. Succinctly stated, the Administrative Judge found that Agency had not proven by a preponderance of the evidence the charge it had brought against Employee. Thus she reversed Agency's action.

On June 1, 2005 Agency filed a Petition for Review. Subsequently, on October 13, 2005, Agency requested that its Petition for Review be withdrawn. In view of Agency's request, we will not give any further consideration to Agency's Petition for Review. Therefore, we will dismiss this appeal.

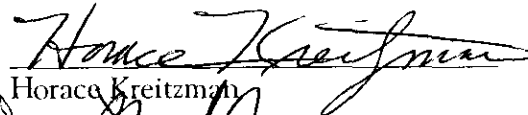
ORDER

Accordingly, it is hereby **ORDERED** that Agency's Petition for Review is **DISMISSED**.

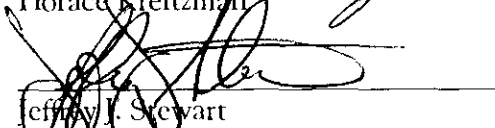
FOR THE BOARD:



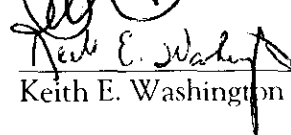
Brian Lederer, Chair



Horace Kreitzman



Jeffrey J. Stewart



Keith E. Washington

The Initial Decision in this matter shall become a final decision of the Office of Employee Appeals 5 days after the issuance date of this order. An appeal from a final decision of the Office of Employee Appeals may be taken to the Superior Court of the District of Columbia within 30 days after formal notice of the decision or order sought to be reviewed.