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THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	OEA Matter No. 1601-0086-12
KYM THORNTON)	
Employee)	Date of Issuance: February 10, 2014
)	
v.)	Lois Hochhauser, Esq.
)	Administrative Judge
DISTRICT OF COLUMBIA DEPARTMENT)	
OF DISABILITY SERVICES)	
Agency)	
_____)	
Kym Thornton, Employee, <i>Pro Se</i>)	
Mark Back, Esq., Agency Representative)	

INITIAL DECISION

INTRODUCTION AND PROCEDURAL BACKGROUND

Kym Thornton, Employee, filed a petition with the Office of Employee Appeals (OEA) on April 2, 2012, appealing the decision of the District of Columbia Department of Disability Services, Agency, to remove him from his position as Social Insurance Specialist, effective March 2, 2012. The matter was assigned to me September 6, 2013.

The prehearing conference took place on November 29, 2013. Talieb Wills, Esq. was present on behalf of Employee, who was also present. Mark Back, Esq., represented Agency. The parties agreed to a hearing date of January 14, 2014. An Order summarizing the prehearing conference and scheduling the hearing was issued on November 29, 2013.

Employee, Agency counsel and Agency witnesses were present at the proceeding on January 14, 2014. However, Mr. Talieb did not appear and had not contacted Employee or the Administrative Judge to explain why he could not be present. Efforts to reach Mr. Wills by telephone by both Employee and the Administrative Judge that morning were unsuccessful. Employee stated that he could not go forward without counsel. He further stated that he no longer wanted Mr. Wills to represent him for reasons unrelated to counsel's failure to attend the proceeding. He memorialized his decision in a document filed that day with OEA. Employee requested, and Agency agreed, to a continuance this proceeding to allow Employee to retain new counsel. Another prehearing conference was scheduled for January 29, 2014. An Order summarizing these facts was issued on January 15, 2014.

Employee and Mr. Back were present at the January 29, 2014 prehearing conference. At that proceeding, Employee stated that he had decided to withdraw this matter. He stated that his

decision was voluntary and deliberate. He filed a document with OEA prior to the end of the proceeding which stated that he was withdrawing this petition for appeal. The record closed on January 29, 2014.

JURISDICTION

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

ISSUE

Should this matter be dismissed?

FINDINGS OF FACT, ANALYSIS AND CONCLUSIONS

Employee determined that he did not want to pursue this matter further. He stated, and subsequently filed a document with OEA, that he was withdrawing this petition for appeal. His decision was voluntary and deliberate. Since Employee has withdrawn his petition for appeal, good cause has been established why the matter should now be dismissed.

ORDER

Based on these findings and conclusions, and consistent with this analysis, it is hereby:

ORDERED: The petition for appeal is dismissed.

FOR THE OFFICE:

LOIS HOCHHAUSER, Esq.
Administrative Judge