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

_____)	
In the Matter of:)	
)	
ROBERT KINNEY,)	
Employee)	
)	OEA Matter No. 1601-0104-15
v.)	
)	Date of Issuance: October 13, 2015
D.C. PUBLIC SCHOOLS,)	
Agency)	
_____)	
)	MICHELLE R. HARRIS, Esq.
)	Administrative Judge
Robert Kinney, Employee <i>Pro Se</i>		
Lynette A. Collins, Esq., Agency Representative		

INITIAL DECISION

INTRODUCTION AND PROCEDURAL BACKGROUND

On July 14, 2015, Robert Kinney (“Employee”), filed a Petition for Appeal with the Office of Employee Appeals (“OEA” or “Office”) contesting the District of Columbia Public Schools’ (“Agency”) decision to terminate him as a Custodian Foreman. On August 21, 2015, Agency filed its Answer to Employee’s Petition for Appeal along with a Motion to Dismiss. I was assigned this matter on September 2, 2015. On September 4, 2015, I issued an Order requesting Employee address the jurisdictional issue Agency noted in its Motion to Dismiss. Employee did not respond within the prescribed deadline and on September 29, 2015, I issued an Order for Statement of Good Cause.

On October 9, 2015, Employee filed a withdrawal notice with this Office stating in pertinent part that, “I wish to voluntarily withdraw my appeal to the Office of Employee Appeals on the basis of jurisdictional grounds.”¹ The record is now closed.

JURISDICTION

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

ISSUE

Whether this appeal should be dismissed based upon Employee’s voluntary withdrawal.

¹ Employee’s Withdrawal Letter filed October 9, 2015.

FINDINGS OF FACTS, ANALYSIS AND CONCLUSIONS OF LAW

In the instant matter, since Employee has voluntarily withdrawn his appeal, Employee's petition is hereby dismissed.

ORDER

It is hereby **ORDERED** that the petition in this matter is **DISMISSED**.

FOR THE OFFICE:

MICHELLE R. HARRIS, Esq.
Administrative Judge