

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

_____	)
In the Matter of:	)
	) OEA Matter No. 1601-0003-09
MICHAEL SMITH	)
Employee	) Date of Issuance: November 26, 2008
	)
v.	) Sheryl Sears, Esq.
	) Administrative Judge
DISTRICT OF COLUMBIA	)
PUBLIC SCHOOLS	)
(DIVISION OF	)
TRANSPORTATION)	)
Agency	)
_____	)

Michael Smith, Pro Se  
Brian M. Hudson, Esq., Counsel for the Transportation Administrator

**INITIAL DECISION**

INTRODUCTION AND FINDINGS OF FACT

Michael Smith (“Employee”) was a Bus Attendant in the Division of Transportation of the District of Columbia Public Schools. By letter dated September 30, 2008, Karen Mahones-Mercer, Director of Human Resources, notified Employee that he would be terminated. She alleged the following: “On September 24<sup>th</sup> 2008 through September 29<sup>th</sup> 2008, you failed to report to your assigned location to begin your tour of duty. Nor did you contact management to inform them of your absence.” Employee was informed that the effective date of his termination would be Thursday, October 13, 2008.

On October 14, 2008, Employee filed an appeal with the Office of Employee Appeals (“the Office”). On November 19, 2008, Brian M. Hudson, Esq., Counsel for the Transportation Administrator, presented a letter to this Office stating that, “pursuant to an agreement between Michael Smith and the Division of Transportation, Mr. Smith has been returned to work and has advised the Division that he is withdrawing his Petition for Appeal in this matter.” The record is now closed.

JURISDICTION

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

ANALYSIS AND CONCLUSION

Based upon Employee's voluntary withdrawal of his petition for appeal, the petition will be dismissed with prejudice.

ORDER

It is hereby ordered that the petition in this matter is dismissed with prejudice.

FOR THE OFFICE:

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Sheryl Sears, Esq.  
Administrative Judge