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

In the Matter of:)	
)	OEA Matter No.: J-0003-25
EMPLOYEE ¹ ,)	
Employee)	
)	Date of Issuance: January 28, 2025
v.)	
)	
D.C. PUBLIC SCHOOLS,)	
Agency)	Michelle R. Harris Esq.
)	Senior Administrative Judge
David A. Branch, Esq., Employee Representative		
Angel Cox, Esq., Agency Representative		

INITIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

On October 3, 2024, Employee filed a Petition for Appeal with the Office of Employee Appeals (“OEA” or “Office”) contesting the District of Columbia Public Schools’ (“Agency” or “DCPS”) IMPACT scores and notice informing him that he would be excessed effective June 18, 2024. Following a letter from OEA dated October 3, 2024, requesting an Answer in this matter, Agency filed its Answer on October 30, 2024. This matter was assigned to the undersigned Senior Administrative Judge (“SAJ”) on October 30, 2024. On November 1, 2024, I issued an Order requiring the parties to submit briefs addressing the jurisdiction issue raised by Agency in its Answer. Agency asserted that OEA did not have jurisdiction over this matter because as of August 18, 2024, Employee was reassigned to a different school and had no break in service. Employee’s brief was due by November 18, 2024, and Agency’s brief was due by December 6, 2024. Following email correspondence, it was determined that Employee had not received the November 1, 2024, Order. As a result, on November 14, 2024, I issued an Order extending the time for submission of briefs. Employee’s brief was now due by December 2, 2024, and Agency’s brief was due by December 17, 2024.

On December 3, 2024, Employee, by and through his representative, filed a Motion for an Extension citing that counsel has just recently been retained and more time was needed to submit the brief. I issued an Order on December 3, 2024, granting Employee’s Motion. Employee’s brief was now due by December 10, 2024, and Agency’s brief was due by December 27, 2024. Employee did not submit his brief by the prescribed deadline. As a result on December 17, 2024, I issued an Order for Statement of Good Cause. Employee’s brief and statement of good cause were due by December 24, 2024. In response to an email that provided a courtesy copy of the December 17, 2024, Order, Employee’s representative cited that Employee would be filing a notice to withdraw his matter before

¹ Employee’s name was removed from this decision for the purposes of publication on the Office of Employee Appeals’ website.

this Office. On January 16, 2025, Employee, by and through his representative, filed a notice to voluntarily withdraw his Petition for Appeal. 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.

BURDEN OF PROOF

OEA Rule 631.1, 6-B DCMR Ch. 600 (December 27, 2021) states:

The burden of proof for material issues of fact shall be by a preponderance of the evidence. "Preponderance of the evidence" shall mean:

That degree of relevant evidence which a reasonable mind, considering the record as a whole, would accept as sufficient to find a contested fact more probably true than untrue.

OEA Rule 631.2 *id.* states:

For appeals filed under §604.1, the employee shall have the burden of proof as to issues of jurisdiction, including timeliness of filing. The agency shall have the burden of proof as to all other issues.

ANALYSIS AND CONCLUSIONS OF LAW

In his January 16, 2025, submission to this Office, Employee noted that he was voluntarily withdrawing his appeal before this Office.² Accordingly, I find that since Employee has voluntarily filed a request to withdraw his Petition for Appeal, Employee's Petition in this matter should be dismissed.

ORDER

It is hereby **ORDERED** that the Petition for Appeal in this matter is **DISMISSED**.

FOR THE OFFICE:

/s/ Michelle R. Harris
MICHELLE R. HARRIS, ESQ.
Senior Administrative Judge

² Employee's Notice of Voluntary Dismissal (January 16, 2025).