

Notice: This decision may be formally revised before it is published in the *District of Columbia Register* and the Office of Employee Appeals’ website. Parties should promptly notify the Office Manager 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:)	
)	
EMPLOYEE,)	
)	OEA Matter No. J-0076-22
v.)	Date of Issuance: October 27, 2022
)	
DEPARTMENT OF CONSUMER &)	
REGULATORY AFFAIRS ¹ ,)	
Agency)	ERIC T. ROBINSON, ESQ.
)	SENIOR ADMINISTRATIVE JUDGE
)	
Employee <i>Pro-Se</i>		
Melanie Konstantopoulos, Esq., Agency Representative		

INITIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

On August 9, 2022, Employee filed a Petition for Appeal with the Office of Employee Appeals contesting a grievance concerning the hiring process for a management position with the former Department of Consumer and Regulatory Affairs (“Agency”). On August 10, 2022, the OEA Executive Director sent a letter to the Agency alerting it that Employee’s Petition for Appeal has been filed and that it is required to submit an Answer no later than September 9, 2022. On September 8, 2022, Agency filed a Motion to Extend Time to File Answer and Motion to Dismiss for Lack of Jurisdiction. In this motion, Agency contends that Employee’s cause of action is outside the scope of OEA’s purview. This matter was assigned to the Undersigned on October 4, 2022. After review, the Undersigned determined that Employee needed to address Agency’s Motion to Dismiss. Accordingly, on October 11, 2022, the Undersigned issued an Order to Employee requiring him to respond in writing to Agency’s Motion to Dismiss. On October 24, 2022, the Undersigned received a signed letter from Employee which stated that “I request the

¹ Pursuant to the Department of Buildings Establishment Act of 2020 (D.C. Act 23-616), the agency formerly known as the Department of Consumer and Regulatory Affairs (“DCRA”) was split into two new agencies, the Department of Buildings and the Department of Licensing and Consumer Protection. The effective date of this transition was October 1, 2022. Since this matter occurred and was filed prior to October 1, 2022, DCRA shall be the agency referred to in this Initial Decision.

[OEA] withdraw my petition for appeal...” After reviewing the record, the Undersigned has determined that no further review is warranted. The record is now closed.

JURISDICTION

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

ISSUE

Whether this matter should be dismissed.

ANALYSIS AND CONCLUSION

According to Employee’s October 24, 2022, letter, he voluntarily withdrew his petition for appeal. Since Employee voluntarily withdrew his petition for appeal, I find that Employee's Petition for Appeal should be dismissed.

ORDER

Based on the foregoing, it is hereby ORDERED that the above-captioned Petition for Appeal be dismissed.

FOR THE OFFICE:

/s/ Eric T. Robinson
Eric T. Robinson, Esq.
Senior Administrative Judge