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THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:)
)
GEORGE BATISTA)
Employee)
)
v.)
)
METROPOLITAN POLICE)
DEPARTMENT)
Agency)
_____)

OEA Matter No. 1601-0124-96

Date of Issuance: October 18, 2002

OPINION AND ORDER
ON
PETITION FOR REVIEW

The Board stayed issuance of an opinion in this appeal pending a decision of the District of Columbia Court of Appeals in *District of Columbia Metropolitan Police Department v. Pinkard*, No. 99-CV-1210. On June 20, 2002, the Court rendered its decision. In its decision, the Court “agreed with the MPD that the collective bargaining agreement between Pinkard’s union and the MPD barred a second evidentiary hearing” by this Office. *District of Columbia Metropolitan Police Department v. Pinkard*, No. 99-CV-1210, slip op. at 10 (D.C. June 20, 2002).

In this appeal the Administrative Judge conducted an evidentiary hearing. Upon consideration of the Court's decision in *Pinkard*, however, we must vacate the Initial Decision and remand the appeal to the Administrative Judge for reconsideration in light of the Court's ruling.


ORDER

Accordingly, it is hereby **ORDERED** that the Initial Decision is **VACATED**, Agency's Petition for Review is **GRANTED**, and this appeal is **REMANDED** to the Administrative Judge for further proceedings consistent with this order.

FOR THE BOARD:


Elias A. Hyman, Chair


Gwendolyn Hemphill


Horace Kreitzman

The initial decision in this matter shall become a final decision of the Office of Employee Appeals 5 days after the issuance of this order. An appeal from a final decision of the Office of Employee Appeals may be taken to the Superior Court of the District of Columbia within 30 days after formal notice of the decision or order sought to be reviewed.