

2023. Employee submitted his brief as required.³ Employee asserted in his Brief on Jurisdiction that he was medically retired on October 29, 2023.⁴

On January 2, 2024, the undersigned issued an Order for Supplemental Briefs on Jurisdiction, amending the due date of Agency's response to January 24, 2024. Agency submitted its Response and Supplemental Motion to Dismiss as required.⁵ Agency confirmed in its Response and Supplemental Motion to Dismiss that Employee was medically retired on disability by the DC Police and Firefighters' Retirement and Relief Board, effective October 29, 2023. Agency further asserted that Employee had not been terminated by the Agency.⁶ Based upon the submissions of both parties, I determined that a Status Conference was warranted.

On January 29, 2024, I issued an Order scheduling a Status Conference for February 20, 2024. During the Status Conference, Employee asserted that he was involuntarily medically retired on disability. Agency confirmed that Employee was involuntary medically retired on disability. Agency further noted that it was not clear if Employee's October 7, 2023, termination had been rescinded. Based on the assertions made during the Status Conference, the undersigned determined that additional briefs were warranted to address the outstanding issues. Accordingly, on February 23, 2024, I issued a Post-Status Conference Order requiring Agency to address (1) whether Employee's termination was rescinded and provide a copy of the rescission letter; and (2) why involuntary retirement is not appealable to this Office. Employee was required to submit a brief addressing the involuntary retirement. Agency submitted its brief as required and included a Rescission Letter which noted that Employee's October 7, 2023, termination was rescinded because Employee was medically retired on disability effective October 29, 2023.

On March 15, 2024, Employee emailed the undersigned and requested to withdraw his Petition for Appeal. As substantive requests are not discussed via email, I issued an Order on March 21, 2024, which scheduled a Status Conference for April 2, 2024. At the Status Conference, I explained that the request to withdraw was required to be submitted in writing pursuant to OEA Rules.⁷ On April 12, 2024, Employee submitted his statement of withdrawal.

JURISDICTION

The jurisdiction of this Office has not been established in this matter.

ISSUE

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

ANALYSIS AND CONCLUSIONS OF LAW

³ Employee's Brief on Jurisdiction was submitted on December 29, 2023.

⁴ Employee's Brief on Jurisdiction (December 29, 2023).

⁵ Agency's Response and Supplemental Motion to Dismiss was submitted on January 16, 2024.

⁶ Agency Response and Supplemental Motion to Dismiss (January 16, 2024) (*This submission included Employee's termination letter, effective October 7, 2023*).

⁷ All filings made to the Office, except for the Petition for Appeal, Petition for Review and Agency Answer, must be made in accordance with OEA Rule 608.8 which provides, in part, that "a party must submit two (2) hard copies of any pleading, motion, exhibit or witness list, discovery response, or any written submission, either by mail or hand-delivery to the Office."

In his April 12, 2024, submission to this Office, Employee noted that he would like to have this matter dismissed.⁸ Accordingly, I find that since Employee has filed a request to withdraw his Petition for Appeal, that Employee's Petition should be dismissed.

ORDER

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

FOR THE OFFICE:

/s/ Natiya Curtis
NATIYA CURTIS, ESQ.
Administrative Judge

⁸ Employee's Notice to Withdraw (April 11, 2024).