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

_____	)	
In the Matter of:	)	
	)	
GERALD SMART,	)	
Employee	)	OEA Matter No. 1601-0024-19
	)	
v.	)	Date of Issuance: April 9, 2019
	)	
DISTRICT OF COLUMBIA DEPARTMENT	)	
OF EMPLOYMENT SERVICES,	)	MONICA DOHNJI, Esq.
Agency	)	Senior Administrative Judge
_____	)	
K. Scott Rocio, Esq., Employee's Representative		
Rhesha D. Lewis-Plummer, Esq., Agency's Representative		

**INITIAL DECISION**

**PROCEDURAL HISTORY**

On January 4, 2019, Gerald Smart, ("Employee") filed a Petition for Appeal with the D.C. Office of Employee Appeals ("OEA" or "Office") contesting the District of Columbia Department of Employment Services' ("DOES" or "Agency") decision to demote him from a Grade 14 to a Grade 13 effective December 9, 2019. Employee was demoted from an Unemployment Compensation Compliance Officer position, to an MSS position of Supervisory Unemployment Tax Examiner, with a reduction in position and grade.<sup>1</sup> On February 12, 2019, Agency filed a Consent Motion for Extension of Time to File Agency's Answer to Petition for Appeal. Thereafter, on March 4, 2019, Agency filed its Answer to Employee's Petition for Appeal.

Subsequently, on March 7, 2019, Employee's representative filed a Notice of Withdrawal of Appeal with OEA stating that "... the aggrieved employee, Mr. Gerald Smart, hereby

<sup>1</sup> See Agency's Answer to Employee's Petition for Appeal at p. 2 (March 4, 2019).

voluntarily withdraws his OEA Appeal associated with OEA Matter No. 1601-0024-19.”<sup>2</sup> I was assigned this matter on April 5, 2019. 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 Employee’s Petition for Appeal should be dismissed.

ANALYSIS AND CONCLUSIONS OF LAW

In the instant matter, since Employee has submitted a Notice of Withdrawal of Appeal, I find that Employee's Petition for Appeal is dismissed.

ORDER

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

FOR THE OFFICE:

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MONICA DOHNJI, Esq.  
Senior Administrative Judge

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<sup>2</sup> See Notice of Withdrawal of Appeal (March 7, 2019).