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

In the Matter of:)	
)	OEA Matter No.: 1601-0051-24
EMPLOYEE ¹ ,)	
Employee)	
)	Date of Issuance: July 18, 2024
v.)	
)	
D.C. DEPARTMENT OF YOUTH)	
REHABILITATION SERVICES,)	Michelle R. Harris, Esq.
Agency)	Senior Administrative Judge
)	
Employee, <i>Pro Se</i>)	
Stephen Milak, Esq., Agency Representative		

INITIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

On May 13, 2024, Employee filed a Petition for Appeal with the Office of Employee Appeals (“OEA” or “Office”) contesting the District of Columbia Department of Youth Rehabilitation Services’ (“Agency” or “DYRS”) decision to suspend him from service for thirty (30) days. Following a letter from OEA dated May 14, 2024, requesting an Answer in this matter, Agency filed its Answer on June 4, 2024. This matter was assigned to the undersigned Senior Administrative Judge (“SAJ”) on June 4, 2024. On June 6, 2024, I issued an Order Convening a Prehearing Conference in this matter for July 9, 2024. Prehearing Statements were due on or before July 2, 2024. Agency filed its Prehearing Statement as required. On July 3, 2024, Employee notified the undersigned via email of his intention to withdraw his appeal before this Office. As a result of this notification, the undersigned canceled the Prehearing Conference scheduled for July 9, 2024, and advised Employee that a written notice of withdrawal must be submitted for the record. On July 17, 2024, Employee filed a Notice to 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.

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

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 July 17, 2024, submission to this Office, Employee noted that he was withdrawing his appeal.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 Withdrawal (July 17, 2024).