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**THE DISTRICT OF COLUMBIA**

**BEFORE**

**THE OFFICE OF EMPLOYEE APPEALS**

_____ )	
In the Matter of: )	
EMPLOYEE, )	
Employee )	OEA Matter No. J-0032-23
v. )	Date of Issuance: April 28, 2023
D.C. FIRE & EMERGENCY MEDICAL )	
MEDICAL DEPARTMENT, )	
Agency )	ERIC T. ROBINSON, ESQ.
_____ )	SENIOR ADMINISTRATIVE JUDGE
Keith Taubenblatt, Esq., Employee Representative	
Andrea Comentale, Esq., Agency Representative	

**INITIAL DECISION**

**INTRODUCTION AND PROCEDURAL HISTORY**

On March 7, 2023, Employee filed a Petition for Appeal with the Office of Employee Appeals contesting his removal from service from the Fire and Emergency Medical Services Department (“Agency”). On March 10, 2023, 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 April 9, 2023. On April 6, 2023, Agency filed a Motion to Dismiss. In this motion, Agency contends that Employee’s cause of action is outside the scope of OEA’s purview due to Employee’s last position of record being in the Management Supervisory Service. Employee’s last position of record was Compliance and Review Officer, MS-0301-14. This matter was assigned to the Undersigned on April 11, 2023. After review, the Undersigned determined that Employee needed to address Agency’s Motion to Dismiss. Accordingly, on April 11, 2023, the Undersigned issued an Order to Employee requiring him to respond in writing to Agency’s Motion to Dismiss. On April 27, 2023, the Undersigned received a response from Employee, through counsel, which indicated that he wanted to withdraw his petition for appeal. After reviewing the record, the Undersigned has determined that no further proceedings are warranted. The record is now closed.

**JURISDICTION**

As will be explained below, the Office does not have jurisdiction over this matter.

ISSUE

Whether this matter should be dismissed.

ANALYSIS AND CONCLUSION

According to Employee's response dated April 27, 2023, 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