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THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	
)	
KHALED FALAH,)	OEA Matter No.: 2401-0093-17R18
CARL MECCA,)	OEA Matter No.: 2401-0094-17R18
Employee)	
)	
v.)	Date of Issuance: March 18, 2019
)	
DISTRICT OF COLUMBIA OFFICE OF)	
THE CHIEF TECHNOLOGY OFFICER,)	Monica Dohnji, Esq.
Agency)	Senior Administrative Judge
_____)	
Steven K. Hoffman, Esq., Employees' Representative)	
Frank McDougald, Esq., Agency's Representative)	

INITIAL DECISION

INTRODUCTION AND PROCEDURAL BACKGROUND

On September 22, 2017, Khaled Falah and Carl Mecca ("Employees") filed Petitions for Appeal with the Office of Employee Appeals ("OEA" or "Office") contesting the Office of the Chief Technology Officer's ("Agency") decision to abolish their position as a Program Manager through a Reduction-In-Force ("RIF"). The effective date of the RIF was September 30, 2017. On November 1, 2017, Agency submitted its Answer to Employees' Petition for Appeal.

I was assigned this matter on November 3, 2017. Thereafter, I issued an Order requiring the parties to submit written briefs. Agency's brief was due on December 5, 2017, while Employees' brief was due on December 26, 2017. On December 4, 2017, Agency's attorney filed a Motion for Continuance, noting that due to previously scheduled annual leave, she would not be able to submit her brief on December 5, 2017. She, however, noted that she would submit her brief on December 19, 2017. Following Agency's failure to submit its brief by the December 19, 2017, self-imposed deadline, on January 3, 2018, I issued an Order for Statement of Good Cause to Agency. Agency was ordered to submit a Statement of Good Cause based on its failure to submit its brief by the required deadline. Agency had until January 16, 2018 to respond. Following Agency's failure to submit its brief by the prescribed deadline, I issued an Initial Decision ("ID") on January 17, 2018, reversing Agency's action based on its failure to defend.

Subsequently, Agency appealed the ID to the OEA's Board. On September 4, 2018, the OEA Board issued an Opinion and Order on Petition for Review, remanding the matter to the undersigned.

The undersigned Ordered the parties to submit written briefs addressing the issue of whether the RIF was conducted in accordance with applicable rules and regulations. Both parties complied. Upon further review of the file, the undersigned decided that an Evidentiary Hearing was required to properly address the issues raise. Accordingly, I issued an Order scheduling a Prehearing Conference for March 20, 2019. On March 7, 2019, Employees filed a Consent Motion for Enlargement of Time and to Reschedule the Prehearing Conference. Thereafter, on March 15, 2019, Employees filed a Motion to Withdraw noting that "Complainants Khaled Falah and Carl Mecca hereby submit this motion to withdraw their respective Petitions for Appeal ... The reason for the Complainants' motion is that they are pursuing discrimination claims before the D.C. Office of Human Rights. Complainants respectfully request that their cases be dismissed without prejudice."¹ 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 Employees' Petitions for Appeal should be dismissed.

ANALYSIS AND CONCLUSIONS OF LAW

In the instant matter, since Employees have submitted a Motion to Withdraw, I find that Employees' Petitions for Appeal is dismissed.

ORDER

It is hereby **ORDERED** that the Petitions for Appeal in these matters are **DISMISSED**.

FOR THE OFFICE:

MONICA DOHNJI, Esq.
Senior Administrative Judge

¹ See Motion to Dismiss (March 15, 2019).