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THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	
)	
FELICIA MARTIN,)	
Employee)	OEA Matter No. J-0212-11
)	
v.)	Date of Issuance: November 3, 2011
)	
D.C. ALCOHOLIC BEVERAGE)	
REGULATION ADMINISTRATION,)	MONICA DOHNJI, Esq.
Agency)	Administrative Judge
_____)	
Demetrius Nickens, Employee Representative)	
Fred Moosally, Agency Director)	

INITIAL DECISION

INTRODUCTION AND PROCEDURAL BACKGROUND

On September 9, 2011, Felicia Martin (“Employee”) filed a petition for appeal with the Office of Employee Appeals (“OEA”) contesting the D.C. Alcoholic Beverage Regulation Administration’s (“Agency”) action of changing her employment status from Career Service permanent to Not-to-Exceed (NTE). Employee is an Investigator with Agency and has held this position for about 4 years. According to Employee’s petition for appeal, she received a Notice of Personnel Action in the mail on August 31, 2011. This document noted in pertinent parts that employee’s “appointment is not to exceed 9-20-2011....” On October 12, 2011, Agency, through its Director filed an Answer to Employee’s petition for appeal stating that Employee’s employment status was erroneously changed from Career Service to NTE, and that the record was successfully corrected as of October 5, 2011. Agency further noted that Employee’s status “has been changed to reflect Career-permanent status retroactive to June 2008. Additionally, all NTE information has been removed from Ms. Martin’s record.”

This matter was assigned to me on or around October 11, 2011. On October 14, 2011, I issued an Order requiring Employee to address the issue of whether this Office has jurisdiction over her appeal. Employee had until October 28, 2011, to respond. Employee did not respond by the October 28, 2011, deadline. Subsequently, on October 31, 2011, I issued an Order for Statement of Good Cause. Employee was ordered to submit a statement of cause based on her

failure to respond to the October 14, 2011, Order. Employee had until November 10, 2011, to respond. On November 2, 2011, This Office received a Notice of Entry of Appearance for Employee, designating Demetrius Nicken, as Employee's representative. Employee, through her representative, also submitted a response to the October 31, 2011, Order, along with a Motion to Withdraw Employee's petition without prejudice. The record is now closed.

JURISDICTION

The jurisdiction of this Office, pursuant to *D.C. Official Code, § 1-606.03 (2001)*, has not been established.

ISSUE

Whether this appeal should be dismissed.

ANALYSIS AND CONCLUSION

Since Employee has voluntarily withdrawn her appeal, Employee's petition for appeal is dismissed.

ORDER

It is hereby **ORDERED** that Employee's petition for appeal in this matter is **DISMISSED**.

FOR THE OFFICE:

MONICA DOHNJI, Esq.
Administrative Judge