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THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:)	
EMPLOYEE ¹ ,)	OEA Matter No. 1601-0016-23
)	
v.)	Date of Issuance: February 16, 2023
)	
OFFICE OF THE ATTORNEY GENERAL)	
FOR THE DISTRICT OF COLUMBIA,)	MONICA DOHNJI, Esq.
Agency)	Senior Administrative Judge
)	
Charles W. Day, Jr., Esq., Employee’s Representative)	
Jeremy Greenberg, Esq., Agency’s Representative)	

INITIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

On December 16, 2022, Employee filed a Petition for Appeal with the Office of Employee Appeals (“OEA”) contesting the Office of the Attorney General for the District of Columbia’s (“Agency” or “OAG”) decision to terminate him from his position of Operation Support Specialist, effective November 17, 2022. OEA issued a Request for Agency Answer to Petition for Appeal on December 19, 2022. Thereafter, on January 10, 2022, Agency filed its Motion to Dismiss in Lieu of an Answer, noting that OEA lacked jurisdiction over this matter as Employee filed a grievance through his union, prior to filing an appeal with OEA. This matter was assigned to the undersigned on January 19, 2023. On January 24, 2023, I issued an Order requiring Employee to address the jurisdiction issue raised by Agency in its Motion to Dismiss. Employee brief was due on or before February 10, 2023, and Agency had the option to submit a reply brief on or before February 24, 2023. Subsequently, on February 10, 2023, Employee, through counsel filed a response to the January 24, 2023 Order noting that “[a]fter further investigation, we concluded that that (sic) because of [Employee’s] grievance, the OEA does not

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

have jurisdiction. Our firm respectfully withdraws the appeal and requests that OEA dismiss the matter.”² 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.

FINDINGS OF FACT, ANALYSIS AND CONCLUSIONS OF LAW

In the instant matter, since Employee has requested that the matter be dismissed, and has voluntarily withdrawn his appeal, I find that Employee's Petition for Appeal should be dismissed.

ORDER

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

FOR THE OFFICE:

/s/ Monica N. Dohnji

MONICA DOHNJI, Esq.
Senior Administrative Judge

² Employee’s Submission (February 10, 2023).