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

In the Matter of:)	
)	OEA Matter No.: 1601-0005-24
EMPLOYEE, ¹)	
Employee)	
)	Date of Issuance: December 20, 2023
v.)	
)	
D.C. METROPOLITAN POLICE DEPARTMENT,)	MICHELLE R. HARRIS, ESQ.
Agency)	Senior Administrative Judge
)	
)	
)	

Employee, *Pro Se*
Lauren B. Schwartz, Esq., Agency Representative

INITIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

On October 23, 2023, Employee filed a Petition for Appeal with the Office of Employee Appeals (“OEA” or “Office”) contesting the District of Columbia Metropolitan Police Department’s (“Agency” or “MPD”) decision to remove him from service. Following a letter from OEA dated October 25, 2023, requesting an Answer in this matter, Agency filed its Answer on November 20, 2023. This matter was assigned to the undersigned Senior Administrative Judge (“SAJ”) on November 20, 2023. On November 29, 2023, I issued an Order Convening a Prehearing Conference in this matter for December 20, 2023. Prehearing Statements were due on or before December 15, 2023. On December 7, 2023, Agency filed a Motion to Reschedule the Prehearing Conference, citing to schedule conflicts. On December 12, 2023, I issued an Order granting the Motion and rescheduled the Prehearing Conference to December 21, 2023. On December 12, 2023, Employee notified the undersigned of his intention to withdraw his appeal before this Office. On December 18, 2023, Employee filed a Notice to Withdraw his Petition for Appeal. On December 19, 2023, I issued an Order cancelling the Prehearing Conference scheduled for December 21, 2023. The record is now closed.

JURISDICTION

The Office has jurisdiction in this matter pursuant to D.C. Official Code § 1-606.03 (2001).

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

ISSUE

Whether this appeal should be dismissed based upon Employee's voluntary withdrawal.

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 December 18, 2023, submission to this Office, Employee noted that his letter should "serve as a Notice to Withdraw my Petition for appeal."² Employee further noted that while he had been reinstated to his position, he also resigned from Agency and no longer wished to proceed with the instant appeal. Accordingly, I find that since Employee has filed a request to withdraw his Petition for Appeal, that Employee's Petition should be dismissed.

ORDER

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

FOR THE OFFICE:

/s/ Michelle R. Harris
MICHELLE R. HARRIS, ESQ.
Senior Administrative Judge

² Employee's Notice to Withdraw (December 18, 2023).