Notice: This decision may be formally revised before it is published in the *District of Columbia Register* and on the Office of Employee Appeals' website. Parties should promptly notify the Office Manager of any formal errors so that this Office can correct them before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

THE DISTRICT OF COLUMBIA BEFORE THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:)
	OEA Matter No.: J-0008-23
EMPLOYEE ¹ ,)
Employee)
) Date of Issuance: February 7, 2023
v.)
D.C. DEPARTMENT OF	<i>)</i>)
PUBLIC WORKS,) MICHELLE R. HARRIS, ESQ.
Agency	Senior Administrative Judge
)
Vanessa Dixon Briggs, Employee Represe	entative
Andrea Comentale, Esq., Agency Represe	ntative

INITIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

On October 25, 2022, Employee filed a Petition for Appeal with the Office of Employee Appeals ("OEA" or "Office") contesting the District of Columbia Department of Public Works' ("Agency" or "DPW") decision to terminate him from service, effective September 23, 2022. OEA issued a letter on October 25, 2022, requesting Agency submit an Answer. Following a grant of an extension of time to file, Agency submitted its Answer on December 21, 2022. Agency cited in its Answer that OEA lacked jurisdiction over this matter because Employee was in probationary status at the time of his termination. This matter was assigned to the undersigned Senior Administrative Judge ("AJ") on December 2, 2022.

Following the receipt of Agency's Answer, I issued an Order on December 22, 2022, requiring briefs be submitted addressing this Office's jurisdiction in this matter. Employee's brief was due on or before January 26, 2023, and Agency's response was due on or before February 13, 2023. On January 26, 2023, Employee, by and through his representative, filed his brief as required and included therein, notice that he was withdrawing his Petition for Appeal. The record is now closed.

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

JURISDICTION

The jurisdiction of this Office has not been established.

ISSUE

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

FINDINGS OF FACT, ANALYSIS AND CONCLUSIONS OF LAW

In his brief submitted January 26, 2023, Employee noted that he "withdraws this matter due to probationary status at the time of termination." Accordingly, I find that since Employee has filed a notice to withdraw and has voluntarily withdrawn his appeal, Employee's Petition should be dismissed.

ORDER

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

FOR THE OFFICE:

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

²Employee's Brief (January 26, 2023). Employee's union representative also noted therein that they believed that Agency mishandled this matter and hoped that it would "conduct itself in a more just and professional manner going forward."