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

February 23, 2023

In the Matter of:	)
	) OEA Matter No.: 1601-0081-22
EMPLOYEE, <sup>1</sup>	)
Employee	)
	) Date of Issuance: February 23,
V.	)
	)
D.C. DEPARTMENT OF FORENSIC	)
SCIENCES,	) MICHELLE R. HARRIS, ESQ.
Agency	) Senior Administrative Judge
	)
	·

Employee, Pro Se Rachel Coll, Esq., Agency Representative

#### **INITIAL DECISION**

#### INTRODUCTION AND PROCEDURAL HISTORY

On September 12, 2022, Employee filed a Petition for Appeal with the Office of Employee Appeals ("OEA" or "Office") contesting the District of Columbia Department of Forensic Sciences' ("Agency" or "DFS") decision to terminate her from service, effective August 12, 2022. OEA issued a Request for Agency Answer on September 12, 2022. Agency filed its Answer on October 6, 2022. Following Agency's declination to mediate, this matter was assigned to the undersigned Senior Administrative Judge ("AJ") on November 4, 2022. On November 10, 2022, I issued an Order scheduling a Prehearing Conference in this matter for December 13, 2022. Prehearing Statements were due on December 7, 2022. On December 9, 2022, Agency filed a Consent Motion to Postpone the Prehearing Conference, citing scheduled conflicts with other matters pending before OEA. On December 12, 2022, I issued an Order granting Agency's Motion and rescheduled the Prehearing Conference to January 17, 2023. Both parties previously submitted their Prehearing Statements in accordance with the deadline set forth in the November 10, 2023 Order.

During the Prehearing Conference, the undersigned determined that an Evidentiary Hearing was warranted. An Order Convening an Evidentiary Hearing was issued January 17, 2023, which scheduled an Evidentiary Hearing for March 1, 2023. During the Prehearing Conference, the parties

<sup>&</sup>lt;sup>1</sup> Employee's name was removed from this decision for the purposes of publication on the Office of Employee Appeals' website.

agreed to try and mediate the matter. Accordingly, I also referred this matter for mediation. A Mediation/Settlement Conference was held on February 15, 2023, but was unsuccessful. On February 16, 2023, I issued an Order scheduling a Status Conference for March 1, 2023, in order to set a new date for the Evidentiary Hearing. On February 17, 2023, Employee filed a letter noting that she was withdrawing her appeal before this Office.<sup>2</sup> 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 this appeal should be dismissed based upon Employee's voluntary withdrawal.

### FINDINGS OF FACT, ANALYSIS AND CONCLUSIONS OF LAW

Employee filed a notice on February 17, 2023, citing that "I wish to officially withdraw from the above appeal OEA Matter No. 1601-0081-22."<sup>3</sup> Accordingly, I find that since Employee has filed a notice to voluntarily withdraw her appeal, Employee's Petition should be dismissed.

# <u>ORDER</u>

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

<sup>&</sup>lt;sup>2</sup> The undersigned notified the parties via email that the Status Conference scheduled for March 1, 2023, would be cancelled given Employee's notice to withdraw her appeal.

<sup>&</sup>lt;sup>3</sup> Letter from Employee (February 17, 2023).