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THE DISTRICT OF COLUMBIA

BEFORE

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:)
)
CLEVELAND BARR, JR.)
Employee)
)
v.)
)
D.C. PUBLIC SCHOOLS)

Agency)

OEA Matter No. 2401-0053-03

Date of Issuance: May 4, 2006

Daryl J. Hollis, Esq.
Senior Administrative Judge

H. David Kelly, Jr., Esq., Employee Representative
Harriet Segar, Esq., Agency Representative

INITIAL DECISION

INTRODUCTION AND STATEMENT OF FACTS

On March 19, 2003, Employee, a Locksmith, RW-9, filed a petition for appeal from Agency's final decision separating him from Government service pursuant to a reduction-in-force (RIF).

This matter was assigned to me on July 17, 2003. I conducted a Prehearing Conference in this and related matters on September 4, 2003, and a Status Conference on January 8, 2004. An evidentiary Hearing was scheduled in this matter for May 20, 2004. However, that Hearing was held in abeyance after I was informed by Employee's former attorney that Employee was a party to a consolidated case filed in the United States District Court for the District of Columbia. The lawsuit, filed by the employee's union, challenged

the validity of this and other RIF's conducted by Agency and involving similarly-situated members of the bargaining unit.

On February 22, 2006, I was informed by Employee's current attorney, Mr. Kelly, that after he had taken over the case he discovered that Employee was not a party to the lawsuit. I then conducted a teleconference on April 25, 2006, at which time Mr. Kelly advised me that Employee would be withdrawing his petition for appeal. On May 3, 2006, I received that withdrawal. The record is closed.

JURISDICTION

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

ISSUE

Whether this matter may now be dismissed.

ANALYSIS AND CONCLUSION

Employee has voluntarily withdrawn his petition for appeal. Pursuant to this withdrawal, I conclude that this matter may now be dismissed.

ORDER

It is hereby ORDERED that this matter is DISMISSED.

FOR THE OFFICE:


DARYL J. HOLLIS, Esq.
Senior Administrative Judge