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THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	
)	
WENDY THORNHILL,)	
Employee)	OEA Matter No. 2401-0107-11
)	
v.)	Date of Issuance: February 22, 2013
)	
D.C. DEPARTMENT OF HEALTH,)	
Agency)	Eric T. Robinson, Esq.
)	Senior Administrative Judge
_____)	

Michael J. Hoare, Esq., Employee Representative
Andrea Comentale, Esq., Assistant Attorney General

INITIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

On May 13, 2011, Wendy Thornhill (“Employee”) filed a Petition for Appeal with the Office of Employee Appeals (“OEA” or the “Office”) contesting the District of Columbia Department of Health’s (“DOH” or the “Agency”) action of abolishing her last position of record through a Reduction-In-Force (“RIF”). Employee’s last position of record with DOH was an Administrative Specialist. According to the Retention Register created as part of the RIF, Employee’s competitive Area was DOH – Office of the Director and her competitive level was DS-0301-13-12-N. According to the Agency in its Answer, this entire competitive level was abolished pursuant to the instant RIF. According to the RIF notice dated March 4, 2011, addressed to Employee and signed by DOH Director, the effective date of the instant RIF was April 18, 2011.¹

The undersigned was assigned this matter on or about July 30, 2012. Thereafter, pursuant to an Order dated September 7, 2012, I required the parties to address, in writing, whether the instant RIF was properly conducted by affording Employee herein one round of

¹ The RIF Notice was amended via a letter to Employee dated April 18, 2011. Originally, the RIF Notice stated the effective date of the RIF was April 15, 2011. However, the effective date of the RIF was changed to April 18, 2011. See Agency’s Appendix of Documents at Tab 6, 7, and 8 (June 29, 2011).

lateral competition and thirty (30) days written notice prior to the effective date of the RIF. Moreover, this order also required the parties to address whether the OEA may exercise jurisdiction over this matter if Employee elected to retire or resign. The parties have since submitted their briefs in compliance with the aforementioned Order. The Agency noted in its brief that “Employee voluntarily elected to retire on Discontinued Service Retirement in lieu of separation pursuant to the RIF effective April 18, 2011.”² On February 22, 2013, Employee, through counsel, submitted a Withdrawal of Claim letter, wherein she voluntarily withdrew her petition for appeal in this matter. I have determined that no further proceedings are warranted. The record is now closed.

JURISDICTION

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

ISSUE

Whether this matter should be dismissed.

ANALYSIS AND CONCLUSION

Since Employee voluntarily withdrew her petition for appeal, I find that Employee's petition for appeal should be dismissed.

ORDER

It is hereby ORDERED that the above-captioned petition for appeal be dismissed.

FOR THE OFFICE:

ERIC T. ROBINSON ESQ.
Senior Administrative Judge

² Agency's Brief at 2 (December 10, 2012).