

Notice: This decision may be formally revised before it is published in the *District of Columbia Register*. Parties should promptly notify the Administrative Assistant 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:)	
)	
MICHELLE BYERS)	
Employee)	OEA Matter No. 1601-0071-00
)	
v.)	Date of Issuance: October 18, 2002
)	
DEPARTMENT OF HEALTH)	
Agency)	

OPINION AND ORDER
ON
PETITION FOR REVIEW

In an Initial Decision issued December 13, 2001, the Administrative Judge dismissed Employee's appeal believing that Employee had withdrawn the appeal. Subsequently, Employee filed a timely Petition for Review. Employee states in the Petition for Review that even though she and the Administrative Judge discussed her case, she never stated either verbally or in writing that she wanted to withdraw her appeal. Because the record does not contain any evidence to conclude that Employee did in fact withdraw the appeal, we will grant Employee's Petition for Review and remand this appeal for further consideration.

ORDER

Accordingly, it is hereby **ORDERED** that Employee's Petition for Review is **GRANTED**, the Initial Decision is **VACATED**, and the matter is **REMANDED** to the Administrative Judge for further proceedings.

FOR THE BOARD:


Eris A. Hyman, Chair


Gwendolyn Hemphill


Horace Kreitzman

The initial decision in this matter shall become a final decision of the Office of Employee Appeals 5 days after the issuance of this order. An appeal from a final decision of the Office of Employee Appeals may be taken to the Superior Court of the District of Columbia within 30 days after formal notice of the decision or order sought to be reviewed.