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**THE DISTRICT OF COLUMBIA**

**BEFORE**

**THE OFFICE OF EMPLOYEE APPEALS**

_____	)	
In the Matter of:	)	
	)	
LLOYD FINCH,	)	
Employee	)	OEA Matter No. 1601-0015-05-R11
	)	
v.	)	Date of Issuance: August 12, 2011
	)	
D.C. METROPOLITAN POLICE	)	
DEPARTMENT,	)	
Agency	)	ERIC T. ROBINSON, Esq.
	)	Administrative Judge
_____	)	
Marc L. Wilhite, Esq., Employee Representative		
Justin Zimmerman, Esq., Agency Representative		

**INITIAL DECISION ON REMAND**

INTRODUCTION AND PROCEDURAL BACKGROUND

On January 13, 2005, Lloyd Finch (“Employee”) filed a petition for appeal with the Office of Employee Appeals (“OEA” or “the Office”) contesting the District of Columbia Metropolitan Police Department (“Agency”) action of removing him from service. Initially, this matter was assigned to Administrative Judge Muriel Aikens Arnold. On June 12, 2006, Judge Arnold issued an Initial Decision (“ID”) in this matter wherein she held that Agency’s Motion to Dismiss, based on the assertion that Employee did not timely file his petition for appeal, should be granted and that this matter should be dismissed. Employee sought review through the Board of the OEA. On February 25, 2009, the Board of the OEA issued an Opinion and Order on Petition for Review. In the Opinion and Order, the Board decided that it would uphold the ID and dismiss Employee’s petition for review. Thereafter, Employee filed a petition for review with the District of Columbia Superior Court. On September 27, 2010, the Court issued a Memorandum Opinion and Order in this matter. The Court decided to reverse the ID and remand this matter back to the OEA.

On or around March 2011, this matter was reassigned to the Undersigned. On March 15, 2011, the Undersigned issued an Order Convening a Status Conference. The Status Conference was held as scheduled and based on the parties position as stated during it as well as their positions as argued in their respective written briefs, I determined that it would be best to hold

an evidentiary hearing on the procedural and substantive issues in this matter. The evidentiary hearing was scheduled for September 19 and 20, 2011. However, on August 11, 2011, Employee, through Mr. Wilhite, filed his Notice of Voluntary Dismissal. In this Notice, Employee expressed his desire to voluntarily dismiss his pending petition for appeal. The record is now closed.

### JURISDICTION

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

### ISSUE

Should this matter be dismissed?

### ANALYSIS AND CONCLUSION

The Employee has voluntarily withdrawn his petition for appeal. Pursuant to this withdrawal, I conclude that this matter may now be dismissed.<sup>1</sup>

### ORDER

It is hereby ORDERED that this matter be DISMISSED.

FOR THE OFFICE:

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ERIC T. ROBINSON Esq.  
Administrative Judge

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<sup>1</sup> Since the Employee opted to withdraw his petition for appeal, the evidentiary hearing which was scheduled for September 19 and 20, 2011, is hereby cancelled. Furthermore, I find that based on Employee voluntary dismissal of this matter that Employer's Motion for Reconsideration, dated July 29, 2011, is now moot.