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THE DISTRICT OF COLUMBIA
BEFORE
THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	
)	
MICHELLE PEARSON)	
Employee)	OEA Matter No. 1601-0033-13
)	
v.)	Date of Issuance: February 20, 2013
)	
OFFICE OF THE STATE)	
SUPERINTENDENT OF EDUCATION)	Lois Hochhauser, Esq.
Agency)	Administrative Judge
_____)	
Hillary Hoffman-Peak, Esq., Agency Representative)	
Michelle Pearson, Employee, <i>Pro Se</i>)	

INITIAL DECISION

INTRODUCTION AND PROCEDURAL BACKGROUND

Michelle Pearson, Employee herein, filed a petition with the Office of Employee Appeals (OEA) on December 14, 2012, appealing the decision of the Office of the State Superintendent of Education (OSSE), Agency herein, to remove her from her position as a Bus Attendant. The matter was assigned to me on January 28, 2012.

The file contained a written submission dated January 24, 2013, signed by Employee, which states: “I Michelle Pearson, which (sic) to withdraw appeal no. 16010033,13.” Although the Administrative Judge assumed that the word “which” was meant to be “wish”, in order to ensure that Employee intended to have her petition dismissed, the Administrative Judge issued an Order on January 28, 2013, directing Employee to notify her by February 12, 2013, if she did not want to withdraw her appeal. The Order stated that if Employee did not respond, the Administrative Judge would assume that Employee intended the word “which” to be “wish,” the record would close, and the matter would be dismissed. Employee did not respond and the record closed on February 12, 2013.

JURISDICTION

This Office has jurisdiction pursuant to OEA Rule 604, 59 DCR 2129 (March 16, 2012).

ISSUE

Should this matter be dismissed?

FINDINGS OF FACT, ANALYSIS AND CONCLUSIONS

Employee submitted a signed statement requesting that this petition for appeal be withdrawn. She was given the opportunity to review her decision and advise the undersigned if she did not intend for the appeal to be dismissed. She did not respond. The Administrative Judge finds that Employee requested that her petition for appeal be withdrawn and that she was aware that the matter would be dismissed. The Administrative Judge concludes that, based on these facts, this petition for appeal should be dismissed. *See, e.g.*, OEA Rule 619.2(g), 59 DCR 2129 (March 16, 2012).

ORDER

Based on these findings and conclusions, and consistent with this analysis, it is hereby:

ORDERED: The petition for appeal is dismissed.

FOR THE OFFICE:

LOIS HOCHHAUSER, Esq.
Administrative Judge