

ORDER: WITHDRAWAL AND DISMISSAL

I. BACKGROUND

On January 10, 2011, grievant sent an e-mail message to the Board and the Department of Commerce's (Department, agency) counsel stating that if the agency permanently and irrevocably withdrew its letter of February 22, 2010, recommending certain performance counseling, "then Case No. 2010-018 is closed." In an e-mail message response dated January 11, 2011, the Department stated that the memorandum was "rescinded and expunged irrevocably and it will not be reissued." The agency attached to this e-mail message a letter dated September 29, 2010, from Nancy J. Kripner, Human Resources Manager, stating that the February 22 letter "has been rescinded and expunged from all of the Department's non-litigation files."

In view of the above representations by the parties, the Board hereby dismisses the grievance appeal in this case.

II. ORDER

The case is dismissed.¹

¹ As the parties have not indicated whether dismissal should be with or without prejudice, the Board makes no stipulation in that regard.