

**BEFORE THE
MERIT SYSTEM PROTECTION BOARD
FOR
MONTGOMERY COUNTY, MARYLAND**

IN THE MATTER OF

[REDACTED]

APPELLANT,

AND

**MONTGOMERY COUNTY
GOVERNMENT,**

EMPLOYER.

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CASE NO. 18-08

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ORDER OF DISMISSAL

On October 11, 2017, Appellant filed an appeal with the Merit System Protection Board (Board or MSPB) challenging the failure of the Department of Health and Human Services to hire her into a merit system position. On November 13, 2017, the County filed a Motion to Dismiss the appeal as moot. One basis for the County’s motion was that Appellant was notified on November 7, 2017, that she had been selected for the merit system position she sought and was scheduled to start work November 13, 2017. In a December 5, 2017, email to the Board’s Executive Director Appellant acknowledged that the “situation of not working has been resolved.” Nevertheless, Appellant stated that she did not wish to withdraw her appeal. Nonetheless, Appellant did not provide a substantive response to the County’s motion or present any argument why, having received all the relief she had sought in her Board appeal, her case should not be dismissed as moot.

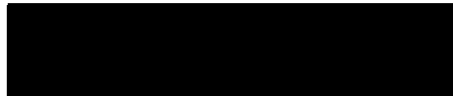
Pursuant to Montgomery County Personnel Regulations, § 35-7(d), the Board may dismiss an appeal if the appeal becomes moot. The Board has long taken the position that when the County provides the relief sought by the Appellant, the appeal should be dismissed as moot. MSPB Case Nos. 16-14 & 16-16 (2016); MSPB Case No. 89-52 (1990); MSPB Case No. 89-15 (1989); MSPB 89-45 (1989).

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Accordingly, the Board concludes that the appeal in Case No. 18-08 is moot, and hereby **ORDERS**, that it be **DISMISSED**, with prejudice.

Pursuant to Montgomery County Code, § 33-15, *Judicial review and enforcement*, and MCPR, § 35-18, *Appeals to court of MSPB decisions*, if any party disagrees with the decision of the Merit System Protection Board they may within 30 days file an appeal with the Circuit Court for Montgomery County, Maryland, in the manner prescribed under Chapter 200, Title 7 of the Maryland Rules.

For the Board
December 26, 2017

A solid black rectangular box redacting the signature of Charlotte Crutchfield.

Charlotte Crutchfield
Chair