

**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. 18-26

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SHOW CAUSE ORDER

On March 29, 2018, [REDACTED] (Appellant) filed an appeal with the Merit System Protection Board (MSPB or Board), challenging “Back to Back” disciplinary statements of charges. An acknowledgement letter was sent to Appellant on March 30 advising her that the Board could not process her appeal until it receives a copy of a Notice of Disciplinary Action (NODA). On April 2, Appellant submitted a Statement of Charges (SOC). In response, another letter was sent to Appellant advising her that the Board lacks jurisdiction unless the County issues a NODA taking disciplinary action, and requesting that she provide the Board with a copy of a NODA.

On April 3 Appellant filed copies of three Statements of Charges.¹ Appellant was again advised by letter dated April 4 that a NODA was necessary for the Board to proceed. Montgomery County Personnel Regulation § 35-4(d)(1) requires that an employee contesting a disciplinary action provide a copy of the NODA to the MSPB. Thus, the three letters from the Board advised Appellant that if the Board did not receive a copy of a NODA her appeal would be dismissed. On April 4, Appellant submitted copies of her April 3 responses to the SOCs, but not a NODA.

¹ Appellant provided: (1) Statement of Charges – Three-Day Suspension, dated March 26, 2018; (2) Statement of Charges – 3 Day Suspension, dated March 5, 2018; and, (3) Statement of Charges – Written Reprimand, dated February 23, 2018.

After being given multiple opportunities, Appellant has not provided the Board with a copy of a NODA. Accordingly, the Board hereby **ORDERS** Appellant to provide a statement of such good cause as exists for why she has failed to provide a required NODA. The statement shall be filed on or before close of business June 12, 2018, with a copy served on the County. The County shall have the right to file any response on or before June 19, 2018. Appellant is hereby notified that, absent the filing of a NODA or a finding by the Board of good cause for her failure to file a NODA, the Board will dismiss her appeal for lack of jurisdiction. MCPR § 35-7(b) & (c); MSPB Case No. 17-06 (2017); MSPB Case No. 15-09 (2015).

The Board further **ORDERS** the County to advise the Board by June 6, 2018, whether a NODA has been issued, based on any of the three SOCs submitted by Appellant, effectuating discipline against Appellant.

For the Board
May 30, 2018

A solid black rectangular redaction box covering the signature of Angela Franco.

Angela Franco
Chair