

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

IN THE MATTER OF

██████████,

APPELLANT,

AND

**MONTGOMERY COUNTY
GOVERNMENT,**

EMPLOYER

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CASE NO. 19-04

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STAY ORDER

On August 6, 2018, ██████████ (Appellant) filed an appeal with the Merit System Protection Board (MSPB or Board), challenging the decision of the Department of Transportation, Division of Transit Services, to suspend him for three (3) days. The discipline was based on the County’s allegation that on March 9, 2018, Appellant was driving a County Ride-On bus and illegally passed a school bus operated by the Montgomery County Public Schools that had its stop sign extended.

On January 16, 2019, a hearing on the merits was held before the Board. Appellant indicated during the hearing that he had requested a trial in District Court to contest the citation issued for a school bus monitoring civil violation under Transportation Article (TR), § 21-706. *See* TR § 21-706.1; Montgomery County Code, § 31-9B. At the conclusion of the January 16 hearing the parties asked that this case be stayed pending resolution of Appellant’s District Court trial. Further, the County represented to the Board that Appellant’s suspension would be rescinded if Appellant was found by the District Court not to have violated TR § 21-706.

The Board finds that it is appropriate to hold the instant appeal in abeyance pending final adjudication of Appellant’s school bus monitoring citation in the District Court. Appellant will have five (5) working days from the date of the District Court’s ruling to advise the Board of the outcome, in writing.

ORDER

It is hereby **ORDERED** that proceedings in this matter are **STAYED** and that Appellant's appeal is held in abeyance. Within five (5) working days of a ruling by the District Court on Citation # [REDACTED], Appellant shall provide the Board with a written document indicating whether or not he was found to have illegally failed to stop for a school bus in violation of TR § 21-706. Should Appellant fail to comply with this Order his appeal may be subject to dismissal.

For the Board
January 17, 2019

[REDACTED]

Michael J. Kator
Chair