

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

IN THE MATTER OF

████████████████████,

APPELLANT,

AND

**MONTGOMERY COUNTY
GOVERNMENT,**

EMPLOYER

*
*
*
*
*
*
*
*
*
*
*
*

CASE NO. 19-12

=====

ORDER OF DISMISSAL

On September 13, 2018, the County Chief Administrative Office (CAO) denied a grievance appeal filed by ██████████ (Appellant). The last paragraph of the CAO’s September 13 decision stated, in its entirety: “Under County Code Section 33-56, you have 15 days to appeal this decision to the Merit System Protection Board.” The Montgomery County Code, § 33-56(c), requires that an appeal to the MSPB from the decision of the CAO regarding a retirement issue must be filed within 15 calendar days.

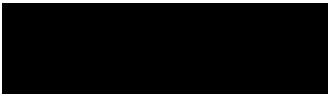
By letter addressed to the CAO and postmarked October 3, 2018, Appellant indicated a desire to appeal to the Merit System Protection Board (MSPB). The October 3 letter stated, in its entirety: “Thank you for responding to my appeal and yes I would like to appeal to the Merit Board.” On October 19, 2018, Associate County Attorney ██████████ responded to Appellant, advising him that she had forwarded his request to the MSPB and suggesting that he contact the MSPB directly. ██████████ also provided Appellant with the MSPB’s telephone and email contact information. On October 22, 2018, the MSPB sent a letter to Appellant providing information on how to file an appeal to the MSPB. To date, Appellant has not filed an appeal or otherwise responded to the Board’s letter. Having received no response to its letter, the Board issued a Show Cause Order on November 15, 2018, instructing Appellant to provide a statement of such good cause as may exist for why he has failed to file a timely appeal with the MSPB. The statement was ordered to be filed on or before close of business November 27, 2018. The Show Cause Order advised Appellant that, absent the filing of an appeal and an explanation providing good cause for his failure to file a timely appeal, the Board would dismiss this appeal. To date,

Appellant has not responded to the Board's letter, Show Cause Order, or provided the Board with an appeal or an explanation for his failure to file a timely appeal.

After being given ample opportunity, Appellant has not provided a statement of such good cause as exists for why he has failed to file a timely appeal with the MSPB. Thus, the Board will dismiss this matter for untimeliness and failure to comply with established appeal procedures. Montgomery County Code, § 33-56(c); Montgomery County Personnel Regulations, § 35-7. Accordingly, it is hereby **ORDERED** that the appeal in Case No. 19-12 is dismissed.

Pursuant to Montgomery County Code, § 33-15, *Judicial review and enforcement*, and MCPB, § 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 5, 2018

A solid black rectangular box used to redact the signature of Angela Franco.

Angela Franco
Chair