

**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. 19-14

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ORDER ACCEPTING SETTLEMENT AGREEMENT

On November 28, 2018, Appellant filed the above captioned appeal with the Merit System Protection Board (MSPB or Board). The appeal pertains to Appellant’s two-day disciplinary suspension. Appellant’s counsel notified the Board on February 4, 2019, that the parties had reached an agreement. The parties filed a settlement agreement with the Board, in the form of an amended Notice of Disciplinary Action (NODA) reducing the discipline to a one-day suspension and resolving the appeal. In response to a request for clarification, Appellant’s counsel advised the Board by email that Appellant “does intend to withdraw her appeal and wishes for the Board to enter the amended NODA in the record as a settlement agreement.” Appellant’s counsel further stated that she had “reviewed the agreement with Appellant and she understands and agrees to its terms.”

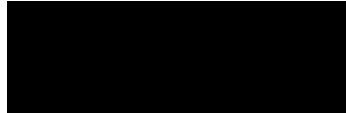
Pursuant to Montgomery County Personnel Regulations (MCPR), § 35-15, the MSPB retains jurisdiction to interpret and enforce the terms of the settlement agreement and finds that it has jurisdiction to accept the settlement agreement into the record. MSPB Case No. 17-12 (2017); MSPB Case No. 16-10 (2016); MSPB Case No. 15-24 (2015). *Cf.*, *Pleshaw v. OPM*, 98 M.S.P.R. 478, 480 (2005). The Board has reviewed the settlement agreement carefully and notes that the settlement agreement is lawful on its face, that Appellant is represented by counsel, and that the agreement was freely entered into by the parties. *Id.*; *McGann v. Department of Housing and*

Urban Development, 56 M.S.P.R. 17, 18 (1992). Therefore, the Board agrees to accept the settlement agreement into the record.

Accordingly, the Board hereby **ORDERS**:

1. That the settlement agreement filed by the parties in this matter be entered into the Board's records;
2. That the appeal in Case No. 19-14 be and hereby is **DISMISSED** as withdrawn and settled;
3. That the Board will retain jurisdiction over any disputes that arise concerning the interpretation or enforcement of the settlement agreement.

For the Board
February 7, 2019



Michael J. Kator
Chair