

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

IN THE MATTER OF

[REDACTED],

APPELLANT,

AND

**MONTGOMERY COUNTY
GOVERNMENT,**

EMPLOYER

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

CASE NOS. 19-19 & 19-26

=====

ORDER OF DISMISSAL

On March 4, 2019, [REDACTED] (Appellant), an employee of the Department of Correction and Rehabilitation, filed an appeal of a disciplinary action. The Merit System Protection Board (Board or MSPB) docketed the appeal as MSPB Case No. 19-19. On April 8, 2019, Appellant filed a second appeal, docketed as MSPB Case No. 19-26. Because it appeared that both appeals involve the same dismissal based on the same events, by order dated May 28, 2019, the Board consolidated the above captioned appeals and established that his Prehearing Submission was due on July 18, 2019.

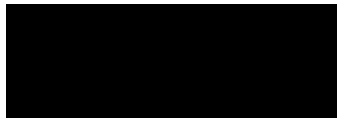
Having not received Appellant's Prehearing Submission, on July 24, 2019, the Board wrote to Appellant instructing him to file the Prehearing Submission on or before close of business July 31, 2019. Appellant was advised that if he did not file the Prehearing Submission the Board may dismiss his appeal for failure to prosecute the appeal or to comply with established appeal procedures. Montgomery County Personnel Regulations, § 35-7(b). On July 31 Appellant contacted the Board by telephone and requested an extension. By letter dated August 1, 2019, the Board granted an extension to August 8, 2019 and told Appellant to provide a full explanation of why he had missed the previous deadlines. Appellant was expressly advised that there would be no further extensions and that if he did not file the Prehearing Submission by the deadline the Board may dismiss his appeal for failure to prosecute or to comply with established appeal procedures. To date Appellant has not filed the Prehearing Submission or responded in any way to the Board's August 1 letter. On August 12, 2019, the County filed a Motion to Dismiss.

Appellant has been repeatedly notified that, absent the proper filing of a Prehearing Submission, and a finding by the Board of good cause for his failure, the Board would dismiss his appeals. MCPR § 35-7(b); MSPB Case No. 18-26 (2018); MSPB Case No. 17-06 (2017); MSPB Case No. 15-09 (2015). To date, Appellant has not filed his prehearing submission or provided a satisfactory explanation for his failure to do so.

For the above reasons, the Board hereby **ORDERS** that the above captioned appeals be **DISMISSED** for failure to prosecute or to comply with established appeal procedures.

For the Board

August 14, 2019



Michael J. Kator
Chair