

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

IN THE MATTER OF

[REDACTED]

APPELLANT,

AND

**MONTGOMERY COUNTY
GOVERNMENT,**

EMPLOYER

*
*
*
*
*
*
*
*
*
*
*

CASE NO. 19-23

=====

ORDER ACCEPTING WITHDRAWAL OF PETITION

On May 6, 2020, the Merit System Protection Board (Board or MSPB) issued a Final Decision and Order in Appellant’s appeal of a two-day suspension. Because the Board mitigated the penalty to a one-day suspension the Order provided that the County would be responsible to pay reasonable attorney fees and costs. The Board’s Order further stated that because the appellant had only partially prevailed the Board would only award a portion of the fees. MSPB Case No. 15-27 (2017); MSPB Case No. 13-02 (2013).

Appellant filed a Petition for Attorney’s Fees on May 27, 2020. On June 2, 2020, the County sent an email advising the Board that the attorney’s fees issue had been settled. On June 3, 2020, the Board responded and requested that Appellant’s attorney file a brief signed statement with the Board confirming that he agreed that the attorney’s fee issue has been settled, withdrawing the petition, and acknowledging that in the event of a dispute the interpretation and enforcement of the agreement may be brought to the Board pursuant to Montgomery County Personnel Regulations (MCPR), § 35-15. Appellant’s attorney filed a letter on June 4, 2020, confirming the settlement, withdrawing the petition, and acknowledging the availability of MCPR § 35-15 for interpretation and enforcement of the settlement.

The Board is satisfied that Appellant’s request to withdraw her Petition for Attorney’s Fees is knowing and voluntary. Accordingly, the Board hereby **ORDERS**:

1. That Appellant’s Petition for Attorney’s Fees is withdrawn at her request;
2. That MSPB Case No. 19-23 is closed; and

Order Accepting Withdrawal of Petition

MSPB Case No. 19-23

Page 2

3. That the Board retain jurisdiction over any disputes that arise concerning the interpretation or enforcement of the settlement agreement regarding attorney's fees.

For the Board

June 17, 2020

[REDACTED]

Harriet E. Davidson
Chair