

**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 NOS. 19-24 & 19-25

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ORDER OF DISMISSAL

████████████████████ (Appellant), an employee of the Department of Correction and Rehabilitation, filed the above captioned appeals with the Merit System Protection Board (Board or MSPB) on March 27, 2019. Upon receipt of a Notice of Disciplinary Action (NODA) for each case, Appellant was advised by separate letters dated April 8, 2019, that the County's Prehearing Submissions were due on May 9, 2019, and that his Prehearing Submissions in each case were due on May 30, 2019.

The County filed its Prehearing Submissions on May 9, however Appellant did not file anything by May 30. Having received no Prehearing Submissions or other contact from Appellant, on June 4, 2019, the Board wrote to Appellant asking him to promptly file his Prehearing Submissions. The letter also asked that Appellant advise the Board in writing if he no longer wished to pursue his appeals. The letter warned that, absent a response, the Board may dismiss his appeal for failure to prosecute the appeal or comply with established appeal procedures. Montgomery County Personnel Regulations (MCPR), § 35-7(b).

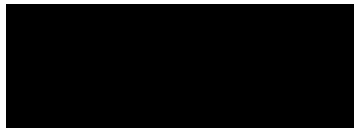
Having received no response from Appellant to the Board's June 4 letter, the Board issued a Show Cause Order on June 20, 2019. The order required Appellant to provide, by July 3, 2019, a statement of such good cause as exists for why this case should not be dismissed. Appellant has not responded to the Show Cause Order even though it advised Appellant that absent a finding by the Board of good cause for his failure, the Board would dismiss his appeal.

Thus, because Appellant has not provided the Prehearing Submission, or responded to requests from the Board and a Show Cause Order, the Board shall dismiss this matter for failure to comply with established appeal procedures and due to Appellant's failure to prosecute his case. MCPR § 35-7(b); MSPB Case No. 18-26 (2018); MSPB Case No. 17-06 (2017); MSPB Case No. 15-09 (2015).

Accordingly, it is hereby **ORDERED** that the appeals in Case Nos. 19-24 and 19-25 be and hereby are **DISMISSED**.

If any party disagrees with the decision of the Merit System Protection Board, pursuant to Montgomery County Code, §33-15, *Judicial review and enforcement*, and MCPR, §35-18, *Appeals to court of MSPB decisions*, an appeal may be filed with the Circuit Court for Montgomery County, Maryland in the manner prescribed under the Maryland Rules, Chapter 200, Rule 7-202.

For the Board
July 9, 2019



Michael J. Kator
Chair