

**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 NO. 22-17**

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**ORDER OF DISMISSAL**

Appellant ██████████ electronically filed the above captioned appeal with the Merit System Protection Board (Board or MSPB) on October 25, 2021, and submitted an incomplete copy of a notice of nonselection. The Board emailed a letter to Appellant that same day advising her that for the MSPB to proceed with processing her appeal a complete copy of the notification of nonselection must be provided. Montgomery County Personnel Regulations (MCPR), §35-4(d)(3). The letter requested that she provide a complete copy of the notification of nonselection within 15 working days. MCPR, §35-8(c). Appellant was further advised that her appeal had been given the above captioned case number, but that the MSPB would stay its processing of the appeal until receipt of the necessary documentation. Finally, Appellant was told that failure to provide the MSPB with the requested document might result in dismissal of her appeal. MCPR, §35-7(b).

When Appellant did not submit the requested documentation or otherwise contact the Board after 15 working days Board staff emailed Appellant on November 18, 2021, resending the October 25<sup>th</sup> letter and reminding her of the missed deadline.<sup>1</sup> Appellant responded by email stating

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<sup>1</sup> The November 18<sup>th</sup> mail said the following:

On October 25 you were sent the attached letter requesting that you “provide a complete copy of the notification of nonselection within 15 working days.” It has been over 15 working days and we have not received the complete nonselection letter. As you were previously advised, failure to submit the requested document may result in dismissal of your appeal.

Please email or call us if you have any questions.

“I provided all the documents I received.” Board staff then sent an email seeking clarification: “You were only provided with the last page of the letter?”


In her response Appellant said, “I thought I uploaded the entire email I received” and then indicated that she wished to withdraw her appeal: “At this time I will respectfully withdraw my appeal as given this entire process, I am no longer interested in working for this organization. Thank you for your time addressing this matter.”

Pursuant to MCPR, §35-7(d), the Board may dismiss an appeal if the appeal becomes moot. The Board has long taken the position that the withdrawal of an appeal renders that appeal moot. MSPB Case No. 21-02 (2020); MSPB Case No. 17-18 (2017). Moreover, the Board may dismiss this matter for failure to comply with established appeal procedures and due to Appellant’s failure to prosecute her case. MCPR, § 35-7(b).

Accordingly, it is hereby **ORDERED** that the appeal in Case No. 22-17 be and hereby is **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*, within 30 days of this Order a petition for judicial review 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  
November 22, 2021

  
Harriet E. Davidson  
Chair