

**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. 24-14

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ORDER OF DISMISSAL

Appellant electronically filed the above captioned appeal with the Merit System Protection Board (Board or MSPB) on April 25, 2024. The County filed a timely prehearing submission on May 22, 2024. Appellant’s prehearing submission due date was June 20, 2024. Having not received Appellant’s prehearing submission by June 24th, the Board’s Office Services Coordinator sent an email to Appellant notifying her that her prehearing submission was overdue.¹ That same day, Appellant responded by email stating, in part, “I do want to continue with my appeal. Therefore, I am requesting an extension.” The County stated there was no objection to Appellant’s request, and the Board extended Appellant’s due date to July 17, 2024.

On July 17, Appellant requested and was granted a second extension until August 7, 2024. On August 7 at 6:44 p.m., Appellant indicated that she wished to withdraw her appeal: “This email notification shows that I have decided to rescind my appeal no. 24-14. I do apologize for any inconvenience and thank you for your assistance.”

¹ The June 24th mail said the following:

This office has not received your prehearing submission. As stated in the attached April 25 acknowledgment letter, Thursday (6/20) was the deadline to file your prehearing submission. If you no longer intend to pursue your appeal, please notify the Board in writing. If you need to request an extension, you must do so in writing and indicate whether the County objects to your request.

Please contact us if you have any questions.

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).

Accordingly, it is hereby **ORDERED** that the appeal in Case No. 24-14 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
September 9, 2024


Barbara S. Fredericks
Chair