

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

**IN THE MATTER OF**

**[REDACTED]  
[REDACTED],**

**APPELLANT,**

**AND**

**MONTGOMERY COUNTY  
GOVERNMENT,**

**EMPLOYER**

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**CASE No. 25-08**

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**ORDER DENYING APPELLANT’S STAY REQUEST**

On December 9, 2024, Appellant [REDACTED] filed an appeal with the Merit System Protection Board (MSPB or Board), challenging the County’s decision regarding Appellant’s recent promotion to Program Manager II (grade 25) and subsequent removal and reassignment back to her current position as a Program Manager I (grade 23). On December 27, 2024, Appellant requested the Board place an immediate stay on the recruitment for Appellant’s former job position until Appellant’s grievance is processed by the Board. Appellant’s request did not include an explanation why she would suffer irreparable harm if the stay was not granted. The Board issued an Order directing the County to respond to the request. The County submitted its Opposition to the Stay on January 16, 2025. Appellant filed a response to the County’s Opposition on January 19, 2025.

In her response, Appellant argues that the stay is necessary to “repair the harm” that Appellant claims was “unfairly inflicted, and to uphold the Merit System Protection Board’s guiding principles outlined in Section 33-5(b)(1-8).” Appellant also includes six (6) remedies she is requesting should she be successful in her appeal.

Pursuant to Montgomery County Personnel Regulations (MCPR), §35-6(b), the Board is empowered to grant a stay upon such conditions as it may believe proper and just. The Board

generally will not grant a stay request absent a showing of irreparable harm or extraordinary circumstances. *See* MSPB Case No. 05-07 (2005), 08-12 (2008), 09-10 (2009), 11-10 (2011), 22-05 (2022).


Appellant's concern regarding the position vacancy is primarily economic, as she is ultimately requesting, in addition to placement in the position, "all applicable back pay, pay increments, benefits, and zero negative compensation consequences." However, the Board has consistently held where monetary relief will make an individual whole, no irreparable harm will be found. *Id.* *See also Sampson v. Murray*, 415 U.S. 61, 84, 89-92 (1974) (loss of earnings and reputation is not irreparable harm in government personnel cases); *In re Frazier*, 1 MSPR 280, 282 (1979) ("It is well settled that in order to enjoin an agency's taking of a personnel action, the affected employee must show irreparable harm; and where monetary relief will make an employee whole, no irreparable harm exists."). Appellant also failed to provide sufficient reasons to support her claim that she will be irreparably harmed if she is not placed back into this exact position. We note that there are other equitable remedies at the Board's disposal to make Appellant whole again should the Board grant Appellant's Appeal without requiring the County to stay its recruitment efforts.

### ORDER

For the reasons discussed above, the Board finds that any harm to Appellant caused by her removal and reassignment may adequately be addressed by the Board should Appellant ultimately prevail on the merits.

Accordingly, the Board **DENIES** Appellant's request for a stay.

For the Board  
February 18, 2025

  
Barbara S. Fredericks  
Chair