

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

IN THE MATTER OF

████████████████████,

APPELLANT,

AND

**MONTGOMERY COUNTY
GOVERNMENT,**

EMPLOYER

*
*
*
*
*
*
*
*
*
*
*
*

CASE NO. 21-36

=====

ORDER ACCEPTING SETTLEMENT AGREEMENT

On February 22, 2021, Appellant filed the above captioned appeal with the Merit System Protection Board (MSPB or Board). The appeal pertains to the decision of the Department of Correction and Rehabilitation to discipline Appellant for misconduct.

On August 2, 2021, the parties notified the Board that they had entered into a settlement agreement and, on August 16, 2021, they filed with the Board a fully executed settlement agreement resolving the appeal.

The Board finds that it has jurisdiction to accept the settlement agreement into the record. MCPR § 35-15; MSPB Case No. 17-12 (2017); MSPB Case No. 16-10 (2016); MSPB Case No. 15-24 (2015). *Cf., Pleshaw v. OPM*, 98 M.S.P.R. 478, 480 (2005). Pursuant to Montgomery County Personnel Regulations (MCPR), § 35-15(b), the MSPB retains jurisdiction to interpret and enforce the terms of the settlement agreement.

The Board has carefully reviewed the settlement agreement and notes that the agreement is lawful on its face and that the agreement was freely entered into by the parties. MSPB Case No. 19-18 (2019); *McGann v. Department of Housing and Urban Development*, 56 M.S.P.R. 17, 18 (1992). Therefore, the Board agrees to accept the settlement agreement into the record.

Accordingly, the Board hereby **ORDERS**:

1. That the settlement agreement filed by the parties in this matter be entered into the Board's records;

Order Accepting Settlement

MSPB Case No. 21-36

Page 2

2. That within 45 calendar days of this Order the County provide the Board with written certification, copied to Appellant, that it has complied with the terms of the agreement regarding the rescinding of certain discipline, providing backpay, the removal of documents from County files, the reissuing of agreed upon disciplinary notices, and otherwise fully implemented the terms of the settlement agreement;
3. That the appeal in MSPB Case No. 21-36 be and hereby is **DISMISSED** as settled; and,
4. That the Board will retain jurisdiction over any disputes that may arise concerning the interpretation or enforcement of the settlement agreement.

For the Board

August 18, 2021

████████████████████

Harriet E. Davidson
Chair