

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

IN THE MATTER OF

[REDACTED],

APPELLANT,

AND

**MONTGOMERY COUNTY
GOVERNMENT,**

EMPLOYER

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CASE No. 22-05

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ORDER ACCEPTING SETTLEMENT AGREEMENT

On September 16, 2021, Appellant filed an appeal with the Merit System Protection Board (Board or MSPB). Appellant is a supervisor with the Montgomery County Office of Animal Services (OAS) who is challenging her demotion.

After filing their prehearing submissions, the parties notified the Board on December 15, 2021, that they were close to reaching a settlement and requested that the Board postpone the prehearing conference that was scheduled for that same day. The Board agreed to postpone the prehearing conference until January 10, 2022. On January 10th the Board convened the prehearing conference. During the prehearing conference the Board granted a request by the parties for a recess so that they could meet separately in an effort to finalize settlement discussions. After the parties met, they indicated that they were close to a resolution but were not able to finalize an agreement that day. The Board scheduled the prehearing conference to resume on January 25, 2022 and instructed the parties to provide a settlement update and certain other filings by January 13th. On January 12th the parties notified the Board that they had reached a final settlement and, on January 13, 2022, they filed a fully executed settlement agreement.

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 reviewed the settlement agreement carefully and notes that the settlement agreement is lawful on its face, that Appellant is represented by competent counsel, 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** that:

1. The settlement agreement filed by the parties in this matter be entered into the Board's records;
2. Within 30 calendar days of this Order the County provide the Board with written certification, copied to Appellant and her counsel, that it has fully implemented the terms of the settlement agreement;
3. The prehearing conference scheduled for January 25, 2022, is canceled;
4. The appeal in MSPB Case No. 22-05 be and hereby is **DISMISSED WITH PREJUDICE** as settled; and
5. The Board will retain jurisdiction over any disputes that arise concerning the interpretation or enforcement of the settlement agreement.

For the Board
January 19, 2022


Harriet E. Davidson
Chair