

**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. 23-05

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ORDER OF DISMISSAL

Appellant electronically filed the above captioned appeal with the Merit System Protection Board (Board or MSPB) on September 12, 2022.¹ On October 27, 2022, the Board wrote to the employing department seeking clarification of the Appellant’s employment status and copying Appellant. That same day Appellant emailed a response to the Board indicating that he had resigned and wished to withdraw his appeal. The Board’s Executive Director responded to Appellant asking Appellant to confirm that he had voluntarily resigned and wished to withdraw his appeal. Appellant responded and affirmed that his resignation was voluntary, and that he wished to withdraw his appeal.

Pursuant to Montgomery County Personnel Regulations (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. 22-14 (2021); MSPB Case No. 21-02 (2020); MSPB Case No. 17-18 (2017).

Accordingly, it is hereby **ORDERED** that the appeal in Case No. 23-05 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

¹ The appeal was filed online Friday, September 9, 2022, a date when the MSPB office is not open. Accordingly, the appeal is considered to have been officially received the next Board business day. *See* MSPB Case No. 18-13 (2018).

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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
October 31, 2022


Harriet E. Davidson
Chair