

**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. 24-18**

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**ORDER OF DISMISSAL**

Appellant filed an appeal of a disciplinary action or termination on May 9, 2024, and perfected his appeal on August 1, 2024, when the Merit System Protection Board (MSPB or Board) officially received Appellant's Notice of Termination (NOT). On August 1, 2024, the Board's Office Services Coordinator (OSC) sent Appellant a letter acknowledging receipt of the NOT and setting the due dates for the parties' prehearing submissions.

The County timely filed its prehearing submission on September 3, 2024. When Appellant did not file his prehearing submission by his September 25, 2024, due date, the OSC sent Appellant an email on October 14 notifying him that the Board was allowing him until October 24, 2024, to do so. Appellant did not respond or file a prehearing submission by October 24, so on December 10, 2024, the OSC called Appellant by telephone. Appellant told the OSC that he no longer wished to pursue his appeal. The OSC followed the phone conversation with an email requesting "confirmation of this decision or to request an extension of the prehearing submission filing deadline."

On December 16, 2024, Appellant emailed, "I would like an extension so I can talk to someone about my charges against me that there was no investigation, and I was found guilty without and *[sic]* evidence." The OSC responded to Appellant:

I have forwarded your extension request to the Board. I will follow up with you and Ms. H [REDACTED] via email once the Board makes a decision on your request.

Despite repeated written notifications advising Appellant of his obligation to file a prehearing submission Appellant has failed to do so and then requested an extension. For the above

reasons, on January 29, 2025, the Board issued a Show Cause Order for Appellant to provide a statement of such good cause as exists for why he has failed to timely file the required prehearing submission related to the appeal of his termination. The statement was to be filed with the Board on or before close of business February 6, 2025, with a copy served on the County. The County had the right to file a response on or before February 13, 2025.

Appellant was notified that absent the proper filing of an explanation and a finding by the Board of good cause for his failure to timely file the prehearing submission, the Board will dismiss his appeal. MCPR § 35-7(b); MSPB Case No. 18-26 (2018); MSPB Case No. 17-06 (2017); MSPB Case No. 15-09 (2015).


To date, Appellant has not shown such good cause as exists for why he has failed to file the required prehearing submission or provided a satisfactory explanation for his failure to do so. While we recognize that Appellant is pursuing his appeal without the benefit of counsel, it is a longstanding principle of Maryland law that procedural rules apply equally to *pro se* litigants in quasi-judicial administrative proceedings. *Department of Labor, Licensing & Regulation v. Woodie*, 128 Md. App. 398, 411 (1999) (“It is a well-established principle of Maryland law that *pro se* parties must adhere to procedural rules in the same manner as those represented by counsel.”). *See Tretick v. Layman*, 95 Md. App. 62, 68 (1993) (“The principle of applying the rules equally to *pro se* litigants is so accepted that it is almost self-evident.”).

Accordingly, the Board must dismiss this matter for failure to comply with established appeal procedures and due to Appellant’s failure to prosecute his case. MCPR, § 35-7(b). *See* MSPB Case No. 22-34 (2022); MSPB Case Nos. 19-19 & 19-26 (2019); MSPB Case Nos. 19-24 & 19-25 (2019).

Accordingly, it is hereby **ORDERED** that Appellant’s extension request is denied, and the appeal in Case No. 24-18 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  
March 27, 2025

  
Sonya E. Chiles  
Chair