

MATTHEW FELDMAN,

Appellant

v.

MONTGOMERY COUNTY
BOARD OF EDUCATION,

Appellee

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR18-09

ORDER

On June 21, 2018, Appellant filed this appeal challenging the May 21, 2018 decision of the Montgomery County Board of Education (“local board”) terminating Appellant from his teaching position due to insubordination and misconduct in office.

As is required in certificated employee termination cases, the State Board referred this case to the Office of Administrative Hearings (“OAH”) for proposed findings of fact and conclusions of law by an Administrative Law Judge (“ALJ”). COMAR 13A.01.05.07A(2). The local board filed a Motion to Dismiss based on Appellant’s failure to timely appeal the local board’s decision to the State Board.¹ On September 25, 2018, the ALJ issued a Proposed Order on Motion to Dismiss or for Summary Decision proposing that the State Board dismiss the appeal based on untimeliness because Appellant failed to submit his initial appeal to the State Board before the thirty-day filing deadline expired. The appeal was due to be filed with the State Board on June 20, 2018, but it was not filed until June 21, 2018.

The Appellant did not file exceptions to the ALJ’s proposed decision. We concur with the ALJ that the case should be dismissed for failure to timely file the appeal to the State Board. We adopt the ALJ’s proposed order in full.

Therefore, it is this 23rd day of October, 2018 by the Maryland State Board of Education,

ORDERED, that the appeal is dismissed for untimeliness. COMAR 13A.01.05.03C.

MARYLAND STATE BOARD OF EDUCATION

Signature on File:

Justin M. Hartings
President

¹ The ALJ treated the Motion to Dismiss as a Motion for Summary Decision because it was supported by exhibits.