

BRUCE WASHINGTON,

Appellant

v.

CHARLES COUNTY
BOARD OF EDUCATION,

Appellee

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR14-01

ORDER

On January 28, 2014, Appellant filed this appeal challenging the decision of the Charles County Board of Education (local board) dismissing as untimely filed Appellant's appeal of his termination from his position as a building service worker.

By letter dated May 20, 2013, Jeremy M. Campbell, Human Resources Specialist, notified the Appellant that he was being terminated for willful neglect of duty, job abandonment, and immorality. That same letter advised Appellant of his right to appeal the termination to the Assistant Superintendent of Human Resources in writing, within 30 days of the date of the letter, thus making the due date June 19, 2013. (Ex.2).

On July 8, 2013, the Human Resources office received Appellant's letter of appeal, which was dated July 1, 2013 and filed on Appellant's behalf by the American Federation of State, County and Municipal Employees (AFSCME). (Ex.3). By letter dated August 22, 2013, Connie W. Armstead, the Executive Director of Human Resources and Superintendent's Designee, denied the appeal based on untimeliness because Appellant had failed to comply with the 30 day filing deadline. (Ex.4). She advised that the Appellant could appeal her decision in writing to the local board within 30 days of the date of her letter. *Id.*

Appellant's appeal to the local board was due on September 23, 2013.¹ On October 8, 2013, the local board received Appellant's appeal. Although the appeal letter was dated September 22, 2013, it was postmarked September 30. (Exs.6&7). The local board dismissed the appeal as untimely because it was not filed by September 23.²

¹ Because the 30th day fell on a Saturday, the due date was automatically extended to the next business day, which was Monday, September 23, 2013.

² We realize that the Appellant transposed the post office box numbers in the local board address, addressing the appeal to "P.O. Box 2270" instead of "P.O. Box 2770" as provided in Ms. Armstead's August 22nd letter. (Exs.4&7). This mistake does not change the date the letter was placed in the mail and postmarked. In addition, sending an appeal to an incorrect address does not excuse an untimely filing. *See Trina C. v. Prince George's County Bd. of Educ.*, MSBE Op. No. 12-03 (2012).


Section 4-205(c)(3) of the Education Article provides that a “decision of a county superintendent may be appealed to the county board if taken in writing within 30 days after the decision of the county superintendent.” Time limitations are generally mandatory and will not be overlooked except in extraordinary circumstances such as fraud or lack of notice of the decree. *See Scott v. Board of Educ. of Prince George’s County*, 3 Op. MSBE 139 (1983). Accordingly, the State Board has consistently dismissed appeals that were untimely filed with the local board. *See Nonna A. and Dylan C. v. Howard County Bd. of Educ.*, MSBE Order No. OR10-09, and cases cited therein.

Despite the September 22nd date handwritten by the Appellant on his letter of appeal to the local board, his appeal was untimely because the envelope was not postmarked until September 30th, after the filing deadline had expired. *See Penzyl v. Cecil County Bd. of Educ.*, MSBE Op. No. 12-08 (2012).

Given these facts, we agree with the local board that there is no extraordinary circumstance that would merit an exception to the mandatory thirty day deadline.³ Thus, the local board’s decision dismissing the appeal for untimeliness is not arbitrary, unreasonable or illegal.

Therefore, it is this 22nd day of April, 2014 by the Maryland State Board of Education,
ORDERED, that the local board’s decision is affirmed.

MARYLAND STATE BOARD OF EDUCATION



Charlene M. Duker
President

³ We note further that the Appellant’s appeal to Connie W. Armstead, the Executive Director of Human Resources, was likewise untimely and without excuse, serving as another basis to dismiss the appeal.