

Circuit Court for Prince George's County
Case No. CAL04-14431

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1172

September Term, 2017

MICHAEL SMITH

v.

WASHINGTON SUBURBAN SANITARY
COMMISSION

Woodward, C.J.,
Friedman,
Moylan, Charles, E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: October 3, 2018

*This is an unreported opinion, and it may not be cited in any paper, brief, motion, or other document filed in this Court or any other Maryland Court as either precedent within the rule of stare decisis or as persuasive authority. Md. Rule 1-104.

In 2003, Michael Smith, appellant was terminated from his employment with the Washington Suburban Sanitary Commission (WSSC), appellee. His termination was upheld by a three-member panel of the WSSC and then by the Office of Administrative Hearings (OAH). Smith appealed OAH’s decision to the Circuit Court for Prince George’s County, but that appeal was ultimately dismissed after the court determined that Smith had failed to transmit the OAH record in a timely fashion. Smith did not file a notice of appeal to this Court.

In 2016, Smith filed a “Motion to Reopen, Revise and Vacate an Enrolled Judgment” pursuant to Maryland Rule 2-535(b), wherein he requested the circuit court to vacate its order dismissing his appeal from the OAH. After the circuit court denied that motion, Smith filed multiple motions for reconsideration, the last of which was filed on May 26, 2017. After that motion was denied, Smith filed this appeal. We subsequently entered an order limiting the scope of the appeal to the question of whether the circuit court abused its discretion when it denied Smith’s May 26, 2017, motion to reconsider.

We review the denial of a motion for reconsideration for abuse of discretion. *See Hossainkhail v. Gebrehiwot*, 143 Md. App. 716, 723-24 (2002). “We will not reverse the judgment of the hearing judge unless there is grave reason for doing so [,]” and “[o]ur focus is on whether justice has not been done.” *Id.* at 724. A court abuses its discretion only “where no reasonable person would take the view adopted by the [trial] court, or when the court acts without reference to any guiding rules or principles.” *Smith v. State*, 232 Md. App. 583, 598 (2017) (internal quotation marks and citation omitted).

Because the final judgment in Smith’s case was entered in 2005, the only order that the circuit court could “reconsider” was its order denying his Rule 2-535(b) motion. However, none of the claims raised in that motion demonstrated the existence of any fraud, mistake, or irregularity that would have warranted the circuit court setting aside its judgment dismissing his appeal from the OAH. *See generally Thacker v. Hale*, 146 Md. App. 203, 217 (2002) (“Maryland courts have narrowly defined and strictly applied the terms fraud, mistake, [and] irregularity, in order to ensure finality of judgments.”). Consequently, the circuit court did not abuse its discretion in denying Smith’s May 26, 2017, motion to reconsider.

**JUDGMENT OF THE CIRCUIT
COURT FOR PRINCE GEORGE’S
COUNTY AFFIRMED. COSTS TO
BE PAID BY APPELLANT.**