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DeWayne Wickham

Contact: Spencer Dove
6 Saint Paul Street, Suite 900
Baltimore, MD 21202-1631
Phone: 410-767-8576
Email: spencer.dove@maryland.gov

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MCCR WINS IMPORTANT CASE BEFORE THE MARYLAND COURT OF SPECIAL APPEALS Case Settles Question of Jurisdiction

Baltimore, MD – On April 28, 2017, the Maryland Court of Special Appeals (“CSA”) ruled that a former Maryland Assistant Attorney General was not entitled to judicial review of the Maryland Commission on Civil Rights’ (“the Commission”) investigation and determination. A.C. was terminated from her employment with the Office of the Attorney General in 2012. She claimed the termination was motivated by her race. As a result, she filed a formal complaint of alleged employment discrimination with the Commission in 2012. In 2015, the Commission concluded its investigation and issued a finding of “No Probable Cause”, which means that the evidence did not demonstrate that race was a factor in her firing.

Although the Commission issued its ruling, the Equal Employment Opportunity Commission (“EEOC”) maintained jurisdiction over the case because race is a category that is covered under Title VII of the 1964 Civil Rights Act. MCCR has a work-sharing agreement with the EEOC whereby cases filed with MCCR are automatically dual-filed with the EEOC when state and federal law overlap. The EEOC upheld the Commission’s decision after conducting their own review of the investigation. A.C. responded by filing a petition for judicial review in the circuit court for Baltimore City. The Commission filed a motion to dismiss A.C.’s case for lack of jurisdiction. The circuit court granted the Commission’s motion.

The CSA, upon appeal, affirmed the circuit court’s decision to dismiss A.C.’s case. The CSA ruled that there is no authority in Maryland that permits the circuit court for Baltimore City to hear A.C.’s case on judicial review. In the meantime, A.C. refused to seek several remedies in her case which are available to all aggrieved individuals under applicable state and federal employment anti-discrimination laws. A.C. had three paths to have her case decided in court:

- She could have filed in the circuit court for Baltimore City just 180 days after filing her complaint with the Commission in October, 2012.
- She had up two years to file a civil action in the circuit court, which would have been by October, 2014.

- The EEOC issued A.C. a “right to sue” letter which meant she could have pursued a lawsuit in federal district court by March, 2016.

A.C. neglected to pursue her rights in all three instances and, therefore, judicial review at this late stage was declared improper.

MCCR represents the interest of the State to ensure equal opportunity for all through enforcement of Title 20 of the State Government Article and Title 19 of the State Finance & Procurement Article, Annotated Code of Maryland. MCCR investigates complaints of discrimination in employment, housing, public accommodations and state contracts filed by members of protected classes under federal and state law. For additional information, please contact Spencer Dove at 410-767-8576 or by email at spencer.dove@maryland.gov.

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