

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

JOYCE A PARKER

v.

MARYLAND GENERAL HOSPITAL

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Civil No. – JFM-16-1419

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND
2016 NOV 14 AM 11:55
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MEMORANDUM

Plaintiff has brought this action against her former employer, the University of Maryland Medical Center Midtown Campus. Plaintiff has filed an amended complaint. Defendant has moved to dismiss that complaint. The motion will be granted.¹

Plaintiff asserts claims for (1) wrongful discharge in retaliation for having filed a workers' compensation claim; (2) violation of the Americans with Disabilities Act; and (3) discrimination under the Age Discrimination in Employment Act.

Plaintiff's claim for wrongful discharge in retaliation for having filed a workers' compensation claim fails because of the lack of temporal proximity between the time of her filing of her claim and her discharge. She filed her workers' compensation claim in June 2012. Her employment was terminated more than a year later in July 2013. The gap between filing her complaint and her discharge is simply too long. *See Perry v. Kappos*, 489 F. App'x 637, 643 (4th Cir. 2012); *Wallace v. Maryland*, Civil No. CCB-14-276, 2014 WL 2175275, @*5 (D. Md. May 23, 2014).


¹ Plaintiff seeks leave to amend her amended complaint. Her request will be denied. She has proffered nothing that would change the rulings made in this memorandum opinion.

Plaintiff's ADA claim fails because she has not alleged any facts that "but for" her disability, she would not have been discharged. Indeed, she alleges that defendant was conducting significant layoffs beginning in June 2013, which affected the billing department where she worked. Moreover, plaintiff cannot establish that she is a qualified individual with a disability. She alleges that "[d]uring all relevant times of the Complaint Plaintiff could not stand for a continuous length of time." She alleges that her job required sitting for significant lengths of time during the work day. She has not alleged that defendant refused her any accommodation.

Plaintiff's claim under the Age Discrimination in Employment Act fails because she does not allege any facts other than her age (55) to establish a violation. Although she does allege that two other billing specialists who were younger than she were not terminated, she does not allege the ages of these other employees, that she was performing at the same level as they, or that they had the same supervisor and job duties as did she.

A separate order granting defendant's motion to dismiss is being entered herewith.

Date: 11/14/10



J. Frederick Motz
United States District Judge