

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

TRENIECE HARDY-McDUFFIE	:	
	:	
v.	:	CIVIL NO. CCB-17-2266
	:	
UNIVERSITY OF MD MEDICAL SYSTEM	:	
	...	

MEMORANDUM

Treniece Hardy-McDuffie, representing herself, filed suit in this court on August 9, 2017 alleging racial discrimination in connection with the termination of her employment by the Maryland General Hospital, d/b/a UMMC Midtown Campus (“UMMC”). UMMC has filed a motion to dismiss under Fed. R. Civ. P. 12(b)(6). Despite being given appropriate notice, Hardy-McDuffie has not responded.

The record establishes that Hardy-McDuffie was terminated for improperly accessing her ex-husband’s medical records in violation of HIPAA. To establish a *prima facie* case of discrimination under Title VII, she is required to show an appropriate comparator, i.e. a similarly situated employee outside of her protected class who received lesser discipline for a similar offense.¹ Hardy-McDuffie, who identified herself as Black in her EEOC complaint, named two other employees she believed committed similar records violations and were not terminated; those other employees, however, also were identified as Black in her EEOC charge.²

In summary, while Hardy-McDuffie may not believe the decision was fair, she proffers no evidence of racial discrimination and therefore fails to state a claim. *See Booth v. County*

¹ Hardy-McDuffie proffers no direct or circumstantial evidence of discrimination in her complaint.

² The motion is properly treated as a motion to dismiss because the only documents referenced are those attached to and referenced in the complaint.

Executive, 186 F. Supp. 3d 479, 486 (D. Md. 2016); *Allen v. Dorchester County, MD*, 2013 WL 5442415, at *15 (D. Md. Sept. 30, 2013).³

Accordingly, the motion to dismiss will be granted by a separate Order.

December 21, 2017
Date

/s/
Catherine C. Blake
United States District Judge

³ Unpublished opinions are cited for the soundness of their reasoning, not for any precedential value.