

Circuit Court for Prince George's County  
Case No.: CAL21-02560

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 1804

September Term, 2021

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MARLA FAITH CRAWFORD

v.

BOARD OF EDUCATION FOR  
PRINCE GEORGE'S COUNTY

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Nazarian,  
Ripken,  
Zarnoch, Robert A.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: October 27, 2022

\*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.

Marla Faith Crawford, appellant, works for the Board of Education for Prince George’s County, appellee. In 2019, she filed a charge of disability discrimination against the Board with the Equal Employment Opportunity Commission. Shortly after the EEOC dismissed her charge, Crawford filed a request for accommodation with the Board seeking transfer to an alternate worksite. Relying on the EEOC’s dismissal of her discrimination charge, the Board denied Crawford’s request. She challenged this denial in the Prince George’s County Human Relations Commission, alleging that her request was denied as retaliation for her filing an EEOC charge. The Executive Director for the Commission found that the Board had established nondiscriminatory reasons to justify denying Crawford’s request. The Circuit Court for Prince George’s County affirmed the Director’s decision. Crawford argues on appeal that the Director erred in finding that she failed to establish her retaliation claim. For the reasons that follow, we shall affirm.

### **BACKGROUND**

The Board hired Crawford as a teacher in 2014, and she has served in that role since. In 2017, Crawford took a medical leave of absence. In July 2019, while still on medical leave, Crawford filed a charge of disability discrimination against the Board with the EEOC.

On August 5, the EEOC dismissed Crawford’s charge and concluded that her “allegations did not involve a disability as defined by the Americans with Disabilities Act.” On August 7, Crawford filed a request to transfer to an alternate worksite with the Board. In her request, Crawford explained she did not want “to return to the hostile work environment that facilitated [her] anxiety and depression while in treatment.” The Board

denied her request on August 13. The Board specifically noted its reliance “on the EEOC dismissal of [Crawford’s] claims of discrimination arising from [her] work assignment.” On September 5, Crawford filed a charge of discrimination with the Commission alleging retaliation by the Board. The Commission investigated.

Following the Commission’s investigation, the Director issued a letter of determination concluding that the facts did not support Crawford’s allegation that the Board failed to provide her with a reasonable accommodation in retaliation for filing an EEOC charge. In reaching her decision, the Director found that Crawford’s stated medical reason for the requested change in worksites was an allegedly hostile work environment. The Director agreed with the Board’s reasoning that this “is not a medical condition but a legal conclusion[.]” She therefore concluded that the Board denied Crawford’s request for failing to “articulate a medical reason to accompany her reasonable accommodation request[;]” not in retaliation for filing an EEOC charge.

Crawford filed an appeal with the Commission. On January 25, 2021, the Commission upheld the Director’s decision. Crawford then sought judicial review in the circuit court. On December 21, after briefing and oral argument, the court affirmed the Commission’s decision. This appeal followed.

## **DISCUSSION**

“On appellate review of the decision of an administrative agency, this Court reviews the agency’s decision, not the circuit court’s decision.” *Long Green Valley Ass’n v. Prigel Family Creamery*, 206 Md. App. 264, 273–74 (2012) (cleaned up). But our review is

limited; we will not disturb an administrative decision if substantial evidence supports its factual findings and there is no error of law. *Id.*

The substantial-evidence test looks at “whether a reasoning mind reasonably could have reached the factual conclusion the agency reached.” *Bd. of Physician Quality Assurance v. Banks*, 354 Md. 59, 68 (1999) (cleaned up). Since the Director’s decision is *prima facie* correct, we must review her decision in the light most favorable to her. *Balt. Lutheran High Sch. Ass’n., Inc. v. Emp. Sec. Admin.*, 302 Md. 649, 662–63 (1985). We defer to the Director’s fact finding and drawing of inferences if they are supported by the record. *Banks*, 354 Md. at 68.

Crawford asserts that retaliation occurred when she was denied a worksite transfer after filing a discrimination charge with the EEOC. The three-step burden-shifting analysis first set out in *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973) applies to retaliation claims arising under the Prince George’s County Code. *See Edgewood Mgmt. Corp. v. Jackson*, 212 Md. App. 177, 199–200 (2013) (applying the same test to claims arising under the Montgomery County Code). Neither the Director nor the parties expressly apply this test, but their analyses still follow its general framework.

To establish a retaliation claim, the employee must first establish a *prima facie* case by producing evidence that (1) the employee “engaged in a protected activity;” (2) the “employer took an adverse action against [the employee];” and (3) the “adverse action was causally connected to [the employee’s] protected activity.” *Id.* at 199. If she establishes a *prima facie* case, the burden shifts to the employer to offer evidence of “a non-retaliatory reason for the adverse employment action.” *Id.* at 200. If the employer meets its burden,

“the burden of production shifts back to [the employee] to show that the proffered reasons for the employment action were a mere pretext.” *Id.* Establishing pretext is only the initial step of the rest of the analysis, however. As with a compensatory discrimination claim, the employee retains the burden of proving that she was the victim of wrongful retaliation. *St. Mary’s Honor Ctr. v. Hicks*, 509 U.S. 502, 515 (1993); *Texas Dep’t of Cmty. Affs. v. Burdine*, 450 U.S. 248, 256 (1981). To prove the causal connection between the employee’s protected activity and the adverse employment action, she must demonstrate that her “opposition to unlawful harassing conduct played a *motivating* part in the employer’s decision to terminate the employee’s employment.” *Ruffin Hotel Corp. of Md., Inc. v. Gasper*, 418 Md. 594, 612 (2011) (emphasis in original).

The Director’s determination never stated in so many words that Crawford successfully established a *prima facie* case for retaliation. But her analysis reads to us to assume that Crawford made her initial showing. And indeed, the Board does not appear to dispute that Crawford established, at the very least, that she engaged in a “protected activity” (her filing a discrimination charge with the EEOC), she suffered an “adverse employment action” (she was denied a worksite transfer), or that the close temporal proximity between her protected activity and the adverse employment action (one month) can support a presumption that the protected activity caused the denial. *See Edgewood*, 212 Md. App. at 205.

Having determined that Crawford established a *prima facie* case for retaliation, we next turn to whether the Board presented evidence of a legitimate non-retaliatory reason for denying Crawford’s request. Again, the Director never stated expressly that the Board

successfully met *its* burden here, but we can see from her analysis of the Board’s reasons that she considered them. The bulk of the Director’s analysis takes place here, where the presumption of retaliation has fallen away, and where Crawford bore the burden of proving, from the totality of the evidence, that her protected activity was a “motivating factor” in the denial of her request. *See Reeves v. Sanderson Plumbing Prods., Inc.*, 530 U.S. 133 (2000). The Director ultimately concluded that the Board’s reasoning that a hostile work environment is not a medical condition was legitimate and nondiscriminatory. And we believe a reasoning mind reasonably could have reached the same conclusion.

We last determine whether the Director erred in deciding that the Board’s proffered reason for denying Crawford’s transfer request was not pretextual. Crawford points to several pieces of evidence or testimony, most of which the Director considered, but some of which was not presented to the Director. The circuit court rejected Crawford’s attempt to present additional evidence and we do as well because it is beyond the scope of our review. *See* Md. Rule 7-208(c). As to what was presented to and considered by the Director, Crawford seems to ask us to reweigh the evidence and draw different inferences. But that is not our role. So long as the Director’s conclusions are supported by the record, which they are, and she made no errors of law, which she did not, we must affirm her decision. *Banks*, 354 Md. at 68. Consequently, we cannot say that the Director was unreasonable in

deciding that Crawford’s invoking her legal rights was not a motivating factor in the denial of her transfer.

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

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