Circuit Court for Baltimore City
Case No. 24-C-22-003829

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 2222

September Term, 2022

JOHN POTEAT

v.

MARYLAND TRANSIT ADMINISTRATION

Reed,
Zic
Getty, Joseph M.
(Senior Judge, Specially Assigned)

JJ.

Opinion by Reed, J.

Filed: January 8, 2026

* This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Rule 1-104(a)(2)(B).

This case concerns a civil complaint for employment discrimination filed by the Appellant, John Poteat ("Poteat"), against the Appellee, the Maryland Transit Administration ("MTA"). On January 25, 2023, the Circuit Court for Baltimore City dismissed Poteat's complaint on the grounds that the court lacked subject matter jurisdiction over his claim. Poteat now asks us to review the circuit court's grant of MTA's motion to dismiss.

Through this appeal, Poteat presents six questions for our review, which we have consolidated into three:[1]

I. Was the trial judge correct in determining that the time limitation for filing an administrative charge begins upon the termination of employment instead of upon notice of termination?

II. Was the trial judge correct to rule on MTA's motion as a motion to dismiss rather than a motion for summary judgment?

[1] Poteat's verbatim questions presented are as follows:

1. Whether the Circuit Court's consideration of documents beyond the complaint, including affidavits and an internal document of the employer, converted a motion to dismiss to a motion for summary judgment[.]
2. Whether the Circuit Court erred in granting a motion to dismiss[.]
3. Whether the Circuit Court erred in granting summary judgment[.]
4. Whether a claim that a charge of discrimination is untimely is an issue of subject matter jurisdiction or an affirmative defense[.]
5. Whether an employer's internal decision to terminate an employee, without any notice to the employee, starts the running of the three hundred day period to file a Charge of Discrimination with the EEOC under 42 U.S.C. § 2000e-5(e)(1)[.]
6. Whether, under *Haas v. Lockheed Martin, Corp.*, 396 Md. 469, 914 A.2d 735 (2007), the running of the three hundred day period to file a Charge of Discrimination with the EEOC under 42 U.S.C. § 2000e-5(e)(1) begins to run on the date of termination, even though the employer did not provide any notice of the termination to the employee and no prior notice of termination had been provided to the employee[.]

III. Was the dismissal of the complaint proper?

As we explain below, we conclude that the answer to all three of these questions is yes and will affirm the decision of the Circuit Court for Baltimore City.

BACKGROUND

In January 2017, MTA hired Poteat as a bus operator. He performed that role competently until October 2017, when he was injured while on duty. He sustained neck and left shoulder injuries which necessitated a cervical spinal fusion surgery and two rotator cuff repair surgeries. As a result of his injuries, Poteat had permanent work restrictions which impaired his ability to perform all the essential functions of his role as a bus operator. His employment with MTA was then terminated in November 2020.

Following his termination, Poteat filed an administrative complaint with the Equal Employment Opportunity Commission ("EEOC") on September 3, 2021, alleging that he was discriminated and retaliated against due to his disability. On September 19, 2022, Poteat filed a civil complaint against MTA in the Circuit Court for Baltimore City pursuant to the Maryland Fair Employment Practices Act ("FEPA"), which is codified at Sections 20-601, *et seq.* of the State Government Article ("SG") of the Maryland Code. Like the administrative complaint, the civil complaint also alleged discrimination and retaliation against Poteat because of his disability. The circuit court's dismissal of this complaint formed the basis for this appeal.

In response to Poteat's civil complaint, MTA filed a Motion to Dismiss Plaintiff's Complaint or for Summary Judgment in the Alternative on December 14, 2022. MTA argued that the complaint must be dismissed based on the court's lack of subject matter

jurisdiction, failure to exhaust administrative remedies, and failure to state a claim upon which relief can be granted. Pertinent to this appeal, MTA argued that Poteat failed to exhaust his administrative remedies because he failed to file his disability discrimination charge with the EEOC within 300 days of the alleged act of discrimination, as is required by the Civil Rights Act of 1964, 42 U.S.C. § 2000e-5(e)(1). MTA alleged that Poteat was terminated from his employment on November 4, 2020, and, as a result, was required to file an administrative complaint by August 31, 2021, thereby rendering his September 3 complaint untimely. MTA contended that the timely filing of an administrative charge is a condition precedent to any civil suit, and therefore the court lacked subject matter jurisdiction to hear any claims arising under FEPA with regards to Poteat's claims of discrimination.

In his opposition to MTA's motion, Poteat agreed that he was bound by the 300-day limitations period, but argued that there was a factual dispute as to whether his termination occurred on November 4, November 11, or December 7, 2020. To support this argument, he cited to his AS-1 Form,[2] which indicated that his termination was not approved until December 7, and to evidence presented by MTA at a Second Step Grievance Appeal Hearing, which indicated that the AS-1 was processed on November 11. He maintained that this factual dispute was sufficient to defeat MTA's motion to dismiss as a matter of law.

[2] An AS-1 Form is an internal personnel form used by MTA.

When ruling on MTA's motion, the trial judge expressly considered, and relied upon, the AS-1 Form, which was attached to MTA's motion as Exhibit C. At a motions hearing held on January 25, 2023, the judge said:

> In this case it's very clear from Exhibit C, which is the form AS-1. It says that the termination is quote, "Effective 11/4/2020." The administrative charge was not, therefore, timely filed, having been filed on September 3rd 2021. The Court finds that this Court, therefore, lacks jurisdiction over the matter. The Court's going to dismiss the case.

The court entered an order dismissing the case that same day, and Poteat timely noted his appeal on February 10, 2023.

STANDARD OF REVIEW

"When reviewing the grant of a motion to dismiss, the appropriate standard of review 'is whether the trial court was legally correct.'" *D.L. v. Sheppard Pratt Health System, Inc.*, 465 Md. 339, 350 (2019) (quoting *Blackstone v. Sharma*, 461 Md. 87, 110 (2018)). Therefore, "'[w]e review the grant of a motion to dismiss *de novo*.'" *Id.* (quoting *Sutton v. FedFirst Fin. Corp.*, 226 Md. App. 46, 74 (2015)).

DISCUSSION

TIME FOR FILING AN ADMINISTRATIVE CHARGE

Poteat argues on appeal that the 300-day time limitation for filing an administrative charge could not have begun to run until he received notice of his termination, rather than the actual termination date itself. This is so, he says, because a plaintiff must have notice of the nature of his or her injury before an action can accrue. Accordingly, he claims it was erroneous for the trial court to rely upon the November 4, 2020 termination date because he had not yet received notice of his termination on that day.

When making its ruling, however, the trial court relied upon a Supreme Court of Maryland case, *Haas v. Lockheed Martin Corporation*, 396 Md. 469 (2007), for the proposition that the discharge—the discriminatory act—occurs upon the actual termination of employment instead of upon notification. Poteat claims that this was a misinterpretation of *Haas* because the plaintiff in *Haas* had received notice of her future termination, and asks us to review the trial court's interpretation.

The Supreme Court in *Haas* took up the precise question of "whether the '*occurrence* of the alleged discriminatory act' means (1) the notification of an employee's impending discharge, or (2) the actual cessation of an employee's employment." 396 Md. at 472 (emphasis in original). In *Haas*, the plaintiff alleged that she was discriminated against when her employment was terminated following her diagnosis with attention deficit disorder. *Id.* at 476–77. She received notice on October 9, 2001, that she was being laid off effective October 23, 2001, and, on October 22, 2003, filed her complaint alleging discrimination in the circuit court. *Id.* Her employer then argued that her claim accrued upon notice of her layoff, rather than upon her final day of work, and therefore was time-barred by the applicable two-year statute of limitations. *Id.* at 477. The circuit court granted summary judgment to the employer on those grounds. *Id.*

The Supreme Court reversed the trial court's grant of summary judgment and held that "a 'discharge' occurs upon the actual termination of an employee, rather than upon notification that such a termination is to take effect at some future date." *Id.* at 494. Poteat contends that *Haas* is distinguishable from the instant case because *Haas* concerned a circumstance where the employee was notified of her termination *before* it went into effect,

whereas here, Poteat alleges that he was not notified until after. We do not find this factual distinction sufficient to disrupt the Court's holding that discharge occurs upon actual termination, especially considering the Court's emphasis on judicial efficiency. The Court said:

> A significant consideration supporting our conclusion today is the relative simplicity in application of a bright line rule in this context. For courts, the determination of a statute of limitations question is made simpler thereby, obviating the need for the sometime tortured analysis under the "discovery rule" for when notice is adequate.

Id. at 497. The benefit of a bright line rule as the Court describes applies equally regardless of whether the notice occurred before or after. Accordingly, we find no error in the trial court's interpretation of *Haas* in this case and conclude that it was proper for the trial court to use the termination date as the accrual date for Poteat's claim.

FAILING TO CONVERT MTA'S MOTION TO DISMISS TO A MOTION FOR SUMMARY JUDGMENT

Poteat contends that it was erroneous for the trial court to rule on MTA's motion as a motion to dismiss rather than as a motion for summary judgment. He argues that the trial court's consideration of the AS-1 Form here "converted the motion to dismiss to a motion for summary judgment on the issue of subject matter jurisdiction/exhaustion[.]"

A motion to dismiss and a motion for summary judgment, though similar, are evaluated under two different standards. "A motion to dismiss should be granted where the plaintiff would not be entitled to relief even if all allegations in the complaint and all reasonable inferences drawn from those allegations are true." *Md. Bd. of Physicians v. Geier*, 241 Md. App. 429, 529 (2019). When ruling on a motion to dismiss, the universe of

facts pertinent to the trial court's analysis is generally limited to the four corners of the complaint and any incorporated supporting exhibits. *D'Aoust v. Diamond*, 424 Md. 549, 572 (2012).

By contrast, a motion for summary judgment requires the movant to provide the court with sufficient "facts that would be admissible in evidence" to demonstrate clearly the absence of a genuine dispute as to a material fact. *Webb v. Joyce Real Est., Inc.*, 108 Md. App. 512, 522 (1996). A motion for summary judgment should then be granted when "there is no genuine dispute as to any material fact and that the party is entitled to judgment as a matter of law." Md. Rule 2-501; *see also Bd. of Educ. of Prince George's Cnty. v. Brady*, 228 Md. App. 545, 550 (2016).

When determining whether a trial judge has treated a filing made by a party as a motion to dismiss or a motion for summary judgment, Maryland Rule 2-322(c) provides guidance:

> If, on a motion to dismiss for failure of the pleading to state a claim upon which relief can be granted, matters outside the pleading are presented to and not excluded by the court, the motion shall be treated as one for summary judgment and disposed of as provided in Rule 2-501, and all parties shall be given reasonable opportunity to present all material made pertinent to such a motion by Rule 2-501.

"We have interpreted this Rule to mean that '[w]hen a party presents factual matters outside the pleadings, and the [trial judge] does not exclude them from consideration in the course of acting on a facial motion to dismiss, the [trial judge] must treat the motion as a motion for summary judgment.'" *Diamond*, 424 Md. at 572-73 (quoting *Dual, Inc. v. Lockheed Martin Corp.*, 383 Md. 151, 161 (2004)).

This Court has held, however, that "it is proper for a trial court to decide a motion to dismiss without converting it to a motion for summary judgment when the court considers, or does not exclude, materials that are central to the allegations in the complaint." *Heneberry v. Pharoan*, 232 Md. App. 468, 476 (2017). Where, as here, a document forms the basis for the plaintiff's claims, it "merely supplement[s] the allegations in the complaint, rather than adding new facts to the court's consideration." *Id.*

The AS-1 Form the trial court relied upon here did not introduce new facts for the court's consideration. Instead, the Form was central to the allegations in Poteat's complaint by detailing the terms of his termination, including the date of termination. Accordingly, this document merely supplemented the allegations in his complaint, and the court could therefore consider it without needing to convert MTA's motion to dismiss to a motion for summary judgment. We find no error in the trial court's decision to rule on MTA's motion as a motion to dismiss.

DISMISSAL OF POTEAT'S COMPLAINT

Finally, Poteat argues that MTA's challenge to the timeliness of his filing of an administrative charge with EEOC is an affirmative defense, instead of a jurisdictional requirement, and therefore could not be resolved on a motion to dismiss. In so arguing, Poteat relies on the United States Supreme Court's decision in *Fort Bend County v. Davis*, 587 U.S. 541 (2019), which held that an alleged failure to exhaust administrative remedies under Title VII is not a jurisdictional prescription but rather a defense that may be raised

to defeat a Title VII claim.[3] MTA responds that the holding in *Fort Bend County* is not controlling upon the case *sub judice* because FEPA has a different statutory structure than Title VII. We agree.

The Court in *Fort Bend County* acknowledged that a legislature may make prescriptions jurisdictional "by incorporating them into a jurisdictional provision[.]" 587 U.S. at 548. The Court then drew a distinction between jurisdictional prescriptions and nonjurisdictional claim-processing rules, which "'seek to promote the orderly progress of litigation by requiring that the parties take certain procedural steps at certain specified times.'" *Id* at 548–49 (quoting *Henderson v. Shinseki*, 562 U.S. 428, 435 (2011)).

The Supreme Court of Maryland has also spoken on this distinction between jurisdictional prescriptions and mandatory claims-processing requirements. In *Rosales v. State*, 463 Md. 552 (2019), our Supreme Court took up the question of whether the thirty-day time limitation for filing an appeal as prescribed by the Maryland Rules was a "jurisdictional" rule. The Court concluded that, because the thirty-day time limitation was a court-made rule that operated independently from the statute granting the court jurisdiction over the appeal, the limitation was merely a claim-processing rule and not jurisdictional. *Id.* at 568.

The Court subsequently explained its ruling in *Rosales*, saying:

> A "jurisdictional" rule is set forth by our State's legislature through the passage of a statute. A "claim processing" rule does not involve a time limit prescribed by the legislature. For example, a court-made rule is a claim

[3] "Title VII" refers to Title VII of the Civil Rights Act of 1964, a federal law which made it illegal for employers to discriminate against employees or job seekers based on race, color, religion, sex, or national origin. *See* 42 U.S.C. 2000e *et seq*.

> processing rule, and its purpose is "to promote the orderly progress of litigation by requiring that the parties take certain procedural steps at certain specified time."

State v. Schlick, 465 Md. 566, 578 n.4 (2019) (internal citations omitted). The Court has further indicated that examining the effect of a hypothetical repeal of a rule is a good litmus test for determining whether a rule is jurisdictional. *See State v. Thomas*, 488 Md. 456, 481–83 (2024). If a court would retain its authority over a matter in the absence of the challenged rule, then it is a claims-processing rule. By contrast, if the court's power would be hindered without the rule, then the rule is jurisdictional. *See id.*

The operative FEPA provision at issue here states:

> In addition to the right to make an election under § 20-1007 of this subtitle, a complainant may bring a civil action against the respondent alleging an unlawful employment practice, *if*:
>
> (i) *the complainant initially filed a timely administrative charge or a complaint under federal, State, or local law alleging an unlawful employment practice by the respondent*;
> (ii) at least 180 days have elapsed since the filing of the administrative charge or complaint; and
> (iii) 1. subject to item 2 of this item, the civil action is filed within 2 years after the alleged unlawful employment practice occurred; or
> 2. if the complaint is alleging harassment, the civil action is filed within 3 years after the alleged harassment occurred.

SG § 20-1013(a)(1) (emphasis added). From its plain language, section 20-1013(a)(1)(i) creates a requirement that a complainant file a timely administrative charge before he or she may advance a cause of action for employment discrimination or retaliation. *Id.*; s*ee also Gagnon v. Bd. of Educ. of Montgomery Cnty.*, 760 F. Supp. 3d 359, 367 (2024). In determining whether this requirement is jurisdictional, we note at the outset that this requirement is embedded in the statute, instead of a court-made rule, which supports the

conclusion that the time limitation is jurisdictional requirement. *See Schlick*, 465 Md. at 578 n.4 ("A 'jurisdictional' rule is set forth by our State's legislature through the passage of a statute.").

Additionally, examining the effect of the provision overall, section 20-1013 grants a complainant the right to bring a cause of action for employment discrimination or retaliation. Utilizing the test articulated in *State v. Thomas*, if this provision were to be removed from the Code, a complainant would have no such right. This again indicates that the requirements within section 20-1013 are jurisdictional preconditions to bringing such a cause of action. Accordingly, we conclude that the requirement to file a timely administrative charge is jurisdictional to bring an action under FEPA.

Assuming *arguendo* that the requirement to file an administrative charge here was not jurisdictional, we still find the trial court committed no error in dismissing Poteat's complaint on that basis. The Court in *Rosales* was explicit that claims-processing rules, though not jurisdictional, remain binding on parties and a party's failure to comply with those rules may still warrant dismissal. 463 Md. at 568. Whether jurisdictional or claims-processing, it is undisputed that section 20-1013(a)(1)(i) requires the filing of a timely administrative charge before a civil action can commence. The trial court here found that Poteat failed to comply with this requirement, which warranted the dismissal of his complaint. We find no error in the trial court's grant of MTA's motion to dismiss.

CONCLUSION

For the foregoing reasons, we conclude that the trial court did not err in granting MTA's motion to dismiss based on Poteat's failure to timely file an administrative charge for his discrimination claims. The judgment of the Circuit Court for Baltimore City is affirmed.

JUDGMENT OF THE CIRCUIT COURT FOR BALTIMORE CITY AFFIRMED. COSTS TO BE PAID BY APPELLANT.