

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

JANAE C. DORMAN,
c/o Justly Prudent
1140 3rd St. NE, Suite 2180
Washington, DC 20002

Case No. 1:26-cv-2344

DEMAND FOR JURY TRIAL

Plaintiff,

v.

STATE OF MARYLAND,
Anthony Brown
Attorney General
200 Saint Paul Place
Baltimore, Maryland 21202

MARYLAND DEPARTMENT OF
PUBLIC SAFETY AND
CORRECTIONAL SERVICES,
Anthony Brown
Attorney General
200 Saint Paul Place
Baltimore, Maryland 21202

CHARLES FONTAINE,
402 Midland Ter,
Salisbury, Maryland, 21804

Defendants.

COMPLAINT

Plaintiff Janae C. Dorman, for her complaint against Defendants State of Maryland, the Maryland Department of Public Safety and Correctional Services, and Charles Fontaine, in his individual capacity, alleges as follows:

1. Janae Dorman is an African-American woman, a 100% disabled combat veteran, and was a Correctional Officer II at Eastern Correctional Institution from April 2017 through

August 23, 2024. On April 19, 2022, Dorman filed a written internal sexual harassment complaint against her direct supervisor, Lieutenant Charles Fontaine, alleging that Fontaine had propositioned her for sexual contact, commented on her physical appearance, expressed a racial preference for her over a darker-skinned colleague, and made unconsented physical contact with her hand and arm. Approximately two months later, on July 5, 2022, Dorman deployed overseas under federal military orders to a designated combat zone in the Middle East, where she came under enemy fire and was awarded the Combat Action Badge.

2. While Dorman was overseas in a combat environment, the Office of Equal Employment Opportunity (“OEEO”) for the Department of Public Safety and Correctional Services placed her sexual harassment investigation “in abeyance.” On October 13, 2022, the OEEO Deputy Director communicated the rationale to Dorman in writing: “Your Complaint was held in abeyance due to your deployment, and will be reinstated and thoroughly investigated.”

3. The investigation was never reinstated. The OEEO Deputy Director who promised reinstatement left her position without notice. The investigation file was never reassigned. The substantive review Dorman had been promised would resume on her return never occurred. And when Dorman returned to active duty at ECI on October 13, 2023, the State took the further step of returning Fontaine—the subject of her dormant complaint—to her shift in a supervisory position, denied her seniority-based transfer request despite advance written notice of her return, and ignored her March 22, 2024 emergency outreach to the OEEO Executive Director and the Acting EEO Supervisor for 76 days.

4. On March 27, 2024, Captain Chad Wilkins relayed to Lieutenant Daniel Price an order from Major Kiser to “shred” the investigative documents from a March 20, 2024 incident in which Fontaine had cornered Dorman in the West Gatehouse and observed her removing her

uniform. Lieutenant Price refused the order, preserved the originals, and contemporaneously memorialized the directive. The stated reason for the spoliation order, conveyed by Wilkins, was that “Dorman has probably filed up the road.”

5. The cumulative effect of the State’s failure to investigate the original complaint, its return of Fontaine to Dorman’s shift, its denial of the transfer request, its 76-day silence in the face of an emergency safety complaint, and the documented spoliation order created working conditions so intolerable that, on August 23, 2024, Dorman was constructively discharged.

6. This action seeks redress for unlawful military-status discrimination and retaliation in violation of the Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. §§ 4301–4335 (“USERRA”); sex-based hostile work environment and retaliation in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*; and parallel violations of the Maryland Fair Employment Practices Act, Md. Code Ann., State Gov’t §§ 20-601 *et seq.* (“MFEPA”).

7. The remedies Dorman seeks include back pay, front pay, liquidated damages under USERRA, compensatory damages, attorney fees and costs, equitable relief, declaratory relief, and any other relief the Court deems just and proper.

JURISDICTION AND VENUE

8. The Court has jurisdiction over this action under 28 U.S.C. §§ 1331 and 1343(a) because this case involves questions of federal law and because Dorman seeks damages for violations of her civil rights.

9. The Court has supplemental jurisdiction over the state law claims under 28 U.S.C. § 1367 because the claims form part of the same case or controversy under Article III of the United States Constitution. The state law claims share all common operative facts with Dorman’s

federal law claims, and the parties are identical. Resolving Dorman's federal and state claims in a single action serves the interests of judicial economy, convenience, consistency, and fairness to the parties.

10. Venue is proper in this judicial district under 28 U.S.C. § 1391(b) because the Defendants are situated within this judicial district and a substantial part of the events or omissions giving rise to Dorman's claims herein occurred within this judicial district. Venue is also proper under 42 U.S.C. § 2000e-5(f)(3) because the unlawful employment practices were committed in this judicial district, the relevant employment records are maintained in this judicial district, and there is no other judicial district that has a substantial connection to Dorman's claims.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

11. Dorman filed a charge of discrimination with the Maryland Commission on Civil Rights ("MCCR"), Case No. 2501-0021, which was cross-filed with the United States Equal Employment Opportunity Commission ("EEOC") as Charge No. 12F-2025-00259. Dorman's administrative charge alleged sex-based discrimination, hostile work environment, and retaliation by the Maryland Department of Public Safety and Correctional Services ("DPSCS"), as well as discrimination and retaliation based on her uniformed service.

12. Dorman filed her charge on January 13, 2025, within the applicable limitations periods for the conduct alleged, including the two-year limitations period for harassment claims under Md. Code Ann., State Gov't § 20-1004(c)(1) measured from her August 23, 2024 constructive discharge.

13. More than 180 days have elapsed since Dorman filed her charge, and the EEOC has not issued a final determination. Under 42 U.S.C. § 2000e-5(f)(1), Dorman's right to file a

civil action vested by operation of law upon the lapse of that 180-day period, and a notice of right to sue is not a jurisdictional prerequisite to suit.

14. More than 180 days have also elapsed since Dorman filed her charge with MCCR, entitling her to elect a civil action under Md. Code Ann., State Gov't § 20-1007. Dorman has fully complied with all administrative prerequisites for her claims under the Maryland Fair Employment Practices Act.

15. Dorman is not required to exhaust administrative remedies for her claims under the USERRA.

16. This Complaint is timely filed within the applicable limitations periods for all claims asserted herein.

THE PARTIES

17. Plaintiff Janae C. Dorman is an African-American woman, a 100% disabled combat veteran, and a former Correctional Officer II with the Maryland Department of Public Safety and Correctional Services. Dorman served as a Correctional Officer II at Eastern Correctional Institution from April 2017 through August 23, 2024. Dorman resides in the State of Maryland.

18. Defendant State of Maryland is a sovereign State of the United States. The State of Maryland is Dorman's employer for purposes of Title VII, the Maryland Fair Employment Practices Act, and the Uniformed Services Employment and Reemployment Rights Act of 1994.

19. Defendant Maryland Department of Public Safety and Correctional Services is a principal department of the State of Maryland, established under Title 2 of the Correctional Services Article of the Maryland Annotated Code. DPSCS operates Eastern Correctional Institution, a state correctional facility located at 30420 Revells Neck Road, Westover, Maryland

21890. DPSCS's principal offices are located at 6776 Reisterstown Road, Suite 310, Baltimore, Maryland 21215.

20. Defendant Charles Fontaine is a sworn Lieutenant employed by DPSCS at Eastern Correctional Institution. Fontaine is named in his individual capacity for his personal participation in the unlawful conduct alleged herein. Upon information and belief, Fontaine resides in the State of Maryland.

BACKGROUND

21. In or around April 2017, Dorman began her employment with DPSCS as a Correctional Officer at Eastern Correctional Institution. Dorman was promoted to Correctional Officer II and, at the time of the events giving rise to this Complaint, was assigned to Housing Unit 5 on the 3:00 p.m. to 11:00 p.m. shift.

22. Dorman is a member of the United States military. On July 5, 2022, Dorman entered active duty under federal military orders and deployed overseas in support of Operation Enduring Freedom (Spartan Shield), serving in Kuwait, Jordan, and Syria. On January 20, 2023, while stationed at the Tanf Garrison in Syria, Dorman came under enemy fire and was awarded the Combat Action Badge for that engagement. Following her overseas service, Dorman returned to duty at ECI in October 2023.

23. Throughout her employment with DPSCS, Dorman performed her duties competently and met or exceeded the legitimate expectations of her employer.

Lieutenant Fontaine's Sexual Harassment of Dorman

24. At all times relevant to this Complaint, Charles Fontaine served as a Lieutenant at Eastern Correctional Institution. As a Lieutenant, Fontaine held supervisory authority over Dorman and other Correctional Officers assigned to the 3:00 p.m. to 11:00 p.m. shift.

25. Beginning in or around November or December 2021 and continuing through April 2022, Fontaine subjected Dorman to a course of unwelcome sex-based conduct in the workplace. The conduct included, on multiple occasions: (a) sexually suggestive comments to Dorman; (b) statements that Dorman understood as solicitations for sexual contact; (c) comments on Dorman's physical appearance; (d) statements expressing that Fontaine preferred Dorman over a darker-skinned female colleague; and (e) unconsented physical contact with Dorman's hand and arm. Fontaine's conduct also included contacting Dorman through social media in or around late 2021 and raising a false rumor then circulating at the institution that he and Dorman had engaged in sexual relations, which Dorman immediately rejected and disavowed. When Dorman rebuffed his advances, Fontaine invoked his supervisory rank to pressure her, including by telling Dorman that she needed to do what he told her to do, directing her to stop playing with him, and warning her that he would be upset or mad.

26. Fontaine's conduct was unwelcome. Dorman did not solicit, invite, or encourage the conduct, and she communicated her discomfort to trusted colleagues at the time.

27. Fontaine's conduct was directed at Dorman because of her sex.

28. Fontaine's conduct was severe and pervasive. The conduct occurred on multiple occasions over a period of months, included physical contact and explicit propositions for sexual contact, and was made more severe by Fontaine's supervisory authority over Dorman and his control over her shift assignments and work conditions.

Dorman's April 19, 2022 Internal Sexual Harassment Complaint

29. On April 19, 2022, Dorman filed a formal written sexual harassment complaint against Fontaine on the DPSCS-prescribed Internal Complaint Form. Dorman submitted the complaint through the chain of command on the 3:00 p.m. to 11:00 p.m. shift, including to

Captain Matthew Mercer and Captain Charles Price. At the time Dorman filed the April 19, 2022 complaint, Mitchell was serving as a Shift Major at ECI and was aware of the complaint and its subject matter. Mitchell subsequently became ECI Chief of Security, the official with authority over shift assignments and transfer requests.

30. Captain Mercer informed Dorman that an investigator from the DPSCS Office of Equal Employment Opportunity would contact her promptly to begin an investigation.

31. In the weeks following the April 19, 2022 complaint, Dorman followed up with Captain Mercer multiple times. She was repeatedly told that someone from OEEO would contact her “soon.” No OEEO investigator ever contacted Dorman.

32. In or around May 2022, Dorman notified her supervisors of an upcoming military deployment and emphasized the urgency of her unresolved sexual harassment complaint. Despite that notice, no OEEO investigator contacted her.

33. In or around June 2022, Dorman formally notified DPSCS Human Resources and her supervisors of her upcoming military annual training and her planned leave of absence for deployment preparation. Despite that notice, no OEEO investigator contacted her.

Dorman’s Federal Military Deployment

34. On July 5, 2022, Dorman’s federal military deployment officially began. From the date of deployment through her return to ECI on October 13, 2023, Dorman was a member of the uniformed services performing service in a uniformed service within the meaning of 38 U.S.C. § 4303(13) and (16), and was therefore entitled to the full protections of USERRA.

35. At the time Dorman departed for deployment, her April 19, 2022 sexual harassment complaint remained unaddressed. No OEEO investigator had contacted her, and no investigation had been initiated. Following the April 19, 2022 complaint, DPSCS temporarily

reassigned Fontaine away from Housing Unit 5, where Dorman was posted, pending the anticipated investigation. Upon information and belief, when Dorman departed for deployment, DPSCS returned Fontaine to a supervisory assignment in Housing Unit 5.

36. On or about October 5, 2022, while still deployed, Dorman was contacted by Officer Shawn Wilson, who informed her that rumors were circulating at ECI that Dorman's sexual harassment complaint had been "dropped" because she had failed to respond to investigators within 30 days. Dorman had received no communication from any OEEEO investigator at any time, and no inquiry had been directed to her.

37. On or about October 6, 2022, Sergeant Troy Cannon provided Dorman with the contact information for Kia Webb, the Deputy Director of the DPSCS Office of Equal Employment Opportunity.

38. On October 6, 2022, Dorman emailed Webb to express concern that her investigation had been dropped without notice to her. Dorman explained in writing that, despite filing her complaint in April 2022 and following up multiple times with her supervisors, she had received no communication from any OEEEO investigator before her deployment.

39. On October 6, 2022, Webb responded to Dorman by email and stated that she and OEEEO Executive Director Angela Washington wanted to schedule a virtual meeting to review and discuss Dorman's complaint. Webb confirmed that DPSCS takes "all Complaints seriously, and will investigate this situation thoroughly."

40. On October 13, 2022, Webb emailed Dorman the following confirmation regarding the status of the April 19, 2022 sexual harassment complaint: "Your Complaint was held in abeyance due to your deployment, and will be reinstated and thoroughly investigated."

41. The October 13, 2022 email from Webb is the operative written admission by DPSCS that Dorman's sexual harassment investigation was suspended because of her uniformed service.

42. On the same day, October 13, 2022, Dorman responded to Webb confirming her receipt of the message. Dorman continued with her deployment in reliance on Webb's written commitment that the investigation would be reinstated upon her return to active duty at ECI.

43. The investigation was never reinstated. The investigation file was never reassigned. The substantive review Dorman had been promised would resume on her return never occurred. Upon information and belief, while Dorman was deployed, Fontaine used his supervisory position in Housing Unit 5 to attempt to have Dorman removed from her assigned post so that another officer could take her place. Officer Renial Brown disclosed this sequence of events to Dorman upon her return to ECI in October 2023.

Dorman's Return to Active Duty at ECI and the State's Knowledge of Her Return

44. On October 13, 2023, Dorman returned to active duty at ECI from her federal military deployment.

45. DPSCS Human Resources had advance written knowledge of Dorman's return-to-duty date of October 13, 2023. On October 12, 2023, an internal email chain among DPSCS Human Resources Officer Tracie Wallace, Lieutenant Vernon Boog, Lieutenant Heather Walker (formerly Walker, then known as Griffiths), Captain Lorne Green, and others discussed Dorman's return-to-duty date. Wallace asked supervisors to confirm Dorman's status; Lieutenant Boog responded that Dorman "is on B team and scheduled to return tomorrow." On October 13, 2023, Captain Green confirmed in writing that "Officer J. Dorman returned to work tonight 10/13/23 from her FMLA leave."

46. The October 12–13, 2023 email chain establishes that DPSCS Human Resources, the OEEEO, and the chain of command at ECI had advance written knowledge of Dorman’s return-to-duty date and could not credibly maintain that they were unable to identify when the abeyance would end.

The State’s Decision to Return Fontaine to Dorman’s Shift

47. Within days of Dorman’s October 13, 2023 return to duty, Lieutenant Daniel Price approached Dorman in Housing Unit 5 and informed her that Fontaine would be returning to the 3:00 p.m. to 11:00 p.m. shift. Lieutenant Price asked Dorman, “what are you going to do about it?” Dorman, alarmed, told Lieutenant Price that she still had a pending OEEEO investigation regarding Fontaine.

48. Lieutenant Waters separately called Dorman to operations and informed her: “I’m giving you a heads up—Lt. Fontaine will be returning to this shift. I know it may make things tough, so I felt the need to tell you.”

49. Beginning on or about November 10, 2023, a supervisor and several coworkers warned Dorman that Fontaine would be returning to her evening shift. On November 11, 2023, Dorman contemporaneously texted Officer Renial Brown to ask whether he had heard that Fontaine was returning to the evening shift, noting that she had received the warning the day before. On November 12, 2023, during shift roll call, it was officially announced that Fontaine would be returning to the 3:00 p.m. to 11:00 p.m. shift in a supervisory position with authority over Dorman.

Dorman’s October 18, 2023 Seniority-Based Transfer Request

50. On October 18, 2023, Dorman submitted a written shift-and-compound transfer request on the DPSCS-prescribed form (i.e., ECI.050.0048, Attachment A). Dorman requested

transfer from the 3-11 East Compound shift to the evening Annex shift, citing her division entry date of September 13, 2017, and her date of rank of September 13, 2018.

51. Under DPSCS practice and policy, shift-and-compound transfer requests are granted by seniority. Dorman's tenure at ECI satisfied the seniority criteria for her requested transfer.

52. DPSCS denied Dorman's October 18, 2023 transfer request. Upon information and belief, other Correctional Officers with less seniority than Dorman received transfers during the same period. Rather than grant Dorman's transfer request and separate her from Fontaine, DPSCS instead returned Fontaine to Dorman's shift in a supervisory capacity. Authority over shift-and-compound transfer requests and the roster at ECI rested with Chief of Security Mitchell, who had been aware of Dorman's April 19, 2022 sexual harassment complaint against Fontaine since he served as Shift Major at the time the complaint was filed. Mitchell exercised that authority to keep Dorman assigned to the same shift and compound as Fontaine rather than grant her transfer request.

Dorman's November 27, 2023 and November 29, 2023 Renewed Complaints

53. On November 27, 2023, Dorman emailed Webb to request reinstatement of the dormant investigation. Dorman wrote that she had returned to work in October 2023, that Fontaine would be returning to her shift in a supervisory position effective November 12, 2023, and that she did not feel safe under his supervision. Dorman attached a copy of her original April 19, 2022 internal complaint form.

54. Webb did not respond to Dorman's November 27, 2023 email. Webb had previously been responsive in 2022.

55. On November 29, 2023, Dorman called DPSCS Human Resources Officer Tracie Wallace to escalate her concerns. NyCholle Gaitor, Dorman's Family Readiness Representative from her military unit, was present on the call as a witness. During the call, Wallace confirmed that Fontaine would be returning to Dorman's shift, acknowledged the unresolved status of Dorman's sexual harassment complaint, and provided Dorman with Executive Director Angela Washington's contact information.

56. Between late November 2023 and early December 2023, Dorman made multiple telephone calls to Executive Director Washington's office. Dorman spoke with Washington's secretary, who twice represented that Washington would return Dorman's call. Washington never returned Dorman's calls.

Dorman's Documented Mental and Physical Decline

57. Following the November 12, 2023 announcement that Fontaine would be returning to her shift, Dorman experienced a documented decline in her mental and physical health. She sought counseling through Veterans Affairs counselors. She missed time from work. She was prescribed medication for depression and anxiety.

58. Dorman's coworkers observed the change in her demeanor. Multiple coworkers commented that the situation was visibly affecting her.

59. Notwithstanding Dorman's documented distress and her repeated requests for accommodation through the transfer process, DPSCS took no steps to separate Dorman from Fontaine, to reinstate the abeyant investigation, or to address the hostile working conditions.

The March 20, 2024 Gatehouse Incident

60. On March 20, 2024, Dorman entered the West Gatehouse at ECI to clock in for her 3:00 p.m. to 11:00 p.m. shift. Fontaine was already inside the West Gatehouse.

61. Fontaine had punched in for his shift at 14:30 hours, in advance of the scheduled shift start time. After clearing the Front Entry Procedure, Fontaine positioned himself behind the search counter and began passing out property buckets and conducting searches of incoming officers' property buckets. This was a function not customarily performed by a Lieutenant of his rank.

62. As Dorman clocked in, she observed Fontaine remove his coat and begin handling property buckets. Dorman experienced fear, anxiety, and an elevated heart rate.

63. Fontaine handed Dorman a property bucket and stood in front of her as she removed her jacket, boots, and belt to comply with the Front Entry Procedure. Dorman was required to disrobe in part to clear the procedure, and Fontaine positioned himself to observe her doing so.

64. Officer Renial Brown, who was present, observed Dorman to be physically and emotionally upset. Officer Brown observed that Fontaine searched Dorman's property bucket more thoroughly and for longer than he searched the property buckets of male officers, including Officer Brown's own bucket.

65. Sergeant John Hutcherson, who was present, observed Fontaine taking an "extremely long time" searching Dorman's property bucket and observed Dorman to be visibly uneasy. Sergeant Hutcherson asked Dorman if she was alright.

66. Officer Angel Negron, who was present, observed Fontaine's unusual behavior and the unusual length of time Fontaine spent searching incoming officers' property buckets, including Dorman's.

67. Dorman exited the West Gatehouse at 14:41 hours and proceeded to the East Compound. Fontaine exited the West Gatehouse at 14:42 hours and proceeded to the West Compound.

68. After the gatehouse incident, Dorman reported the incident to Lieutenant Daniel Price. Lieutenant Price ordered Officers Brown, Hutcherson, and Negron to prepare written Matters of Record documenting what they had witnessed. Lieutenant Price reviewed the VicoNet security camera footage to confirm the times of entry and exit and reviewed Time Clock Plus to confirm Fontaine's punch-in time of 14:30 hours.

69. Lieutenant Price reported the incident to Captain Chad Wilkins, who ordered Lieutenant Price to obtain Matters of Record from each witness and to prepare a To/From memorandum detailing his investigation.

The State's Spoliation of Investigative Records

70. On March 21, 2024, Lieutenant Price was instructed to stop investigating the gatehouse incident. Lieutenant Price documented contemporaneously that he was "told to stop investigating as Chief Mitchell is handling it." No further investigation was conducted by Chief Mitchell or any other DPSCS official.

71. On March 27, 2024, Captain Wilkins approached Lieutenant Price about Dorman's complaint. Lieutenant Price advised Captain Wilkins that he had emailed copies of the original Matters of Record and supporting documents and still possessed the originals.

72. Captain Wilkins called Major Kiser for guidance. Captain Wilkins reported back to Lieutenant Price that Major Kiser had directed: "Shred them, as Dorman has probably filed up the road." The phrase "filed up the road" referred to Dorman having filed an external civil rights complaint.

73. Lieutenant Price recognized the order to shred the investigative records as unlawful. He refused to comply with the order, preserved the original Matters of Record, and contemporaneously memorialized the directive he had been given.

74. Captain Wilkins returned the original documents to Lieutenant Price and stated: “Do what you want with them.”

75. The March 27, 2024 spoliation directive was issued by Major Kiser, communicated through Captain Wilkins, with the express acknowledgment that Dorman had filed or was likely to file an external civil rights complaint. Major Kiser’s stated reason for ordering the destruction of the records—that “Dorman has probably filed up the road”—establishes that DPSCS officials were aware of reasonably anticipated litigation at the time of the directive.

Dorman’s March 22, 2024 Emergency Complaints

76. On March 22, 2024, Dorman emailed Executive Director Washington from her personal email account. Dorman attached her original April 19, 2022 internal complaint form, the email correspondence with Webb, and the Matter of Record documenting the March 20, 2024 gatehouse incident. Dorman wrote: (a) that she did not feel safe at ECI; (b) that she was taking depression and anxiety medication; (c) that the unresolved status of her sexual harassment complaint was taking a serious toll on her mental health; and that she sought DPSCS’s assistance in resolving the matter.

77. Washington was on Family and Medical Leave Act leave at the time. An automated reply directed Dorman to Acting EEO Supervisor Frank Webb. The automated reply represented that Frank Webb “is well prepared to assist you.”

78. On the same day, March 22, 2024, Dorman forwarded her complaint to Frank Webb at the email address identified in Washington's automated reply. Dorman attached the same supporting materials.

79. Frank Webb did not respond to Dorman's March 22, 2024 emergency complaint for 76 days.

The Union Intervention and Frank Webb's Admissions

80. Beginning in mid-April 2024, Dorman engaged her union, AFSCME Local 3491, for assistance. On April 16, 2024, Dorman spoke with former union president Debbie Williams, who advised her to contact AFSCME field representative Jack Hughes.

81. On May 22, 2024, Dorman met with ECI Union President Rownite Stevens and provided her with copies of her supporting documentation.

82. On June 6, 2024, AFSCME field representative Jack Hughes emailed Webb at OEE0 to request a status update on Dorman's pending sexual harassment complaint. Hughes was forwarded by Webb to OEE0 Director Mala Malhotra-Ortiz, who responded the same day: "I have an investigator reviewing the file -- Frank Webb. I believe OEE0 sent it to our criminal investigators for review. Frank - would you please reach out to Jack to see what the request is and if there is a solution that will support the employee, we can consider the request anew."

83. On June 7, 2024, Frank Webb telephoned Dorman. The call lasted approximately one hour and was contemporaneously memorialized by Dorman in handwritten notes.

84. During the June 7, 2024 call, Frank Webb made several admissions material to this action. Webb acknowledged that Kia Webb (no relation) was no longer employed by DPSCS, stating: "I wish I could tell you, Kia Webb isn't here anymore, so I don't know." Webb acknowledged that he did not know the status of Dorman's investigation. Webb acknowledged

that the file had been referred to the Internal Investigative Division for criminal review. Webb acknowledged that the IID had pulled the security camera footage from the West Gatehouse but had reported “no wrongdoing.” Webb stated that he did not want Dorman and Fontaine to be in the same place. Webb stated that the OEEEO needed to “reopen this case and look at it again.” Webb stated that he would follow up with the IID criminal investigator. Webb stated that he would reach out to Dorman again.

85. Frank Webb did not contact Dorman again after the June 7, 2024 call. The investigation was not reopened. No corrective action was taken to separate Dorman from Fontaine.

86. On June 15, 2024, Dorman was informed through union representative Hughes that DPSCS had again declined to investigate the original complaint, citing the criminal statute of limitations. The criminal statute of limitations is irrelevant to the OEEEO’s civil-rights investigation under Title 20 of the State Government Article. The OEEEO’s reliance on the criminal limitations period as a basis for declining to investigate was pretextual.

IID’s Misrepresentation Regarding the Statute of Limitations

87. In or around March 2024, Detective Sergeant Marquette of the IID informed Dorman that she had missed the statute of limitations to pursue criminal charges against Fontaine arising from the original sexual harassment. Dorman asked whether her deployment had affected the limitations period. Detective Sergeant Marquette confirmed that her deployment had not affected the limitations period.

88. Detective Sergeant Marquette’s statement was inaccurate. Maryland law provides a three-year statute of limitations for misdemeanor sexual offenses committed by a person in a position of authority. Md. Code Ann., Crim. Proc. § 5-106(b) and related provisions. Fontaine

was Dorman's direct supervisor at the time of the original sexual harassment, and the limitations period for criminal charges arising from his conduct had not run when Dorman returned to active duty at ECI in October 2023.

Dorman's EAP Referral and Documented Psychological Harm

89. On March 30, 2024, Dorman approached Lieutenant Daniel Price and requested assistance with an Employee Assistance Program ("EAP") referral. Lieutenant Price completed and submitted the EAP Supervisory Referral Form on Dorman's behalf.

90. The March 30, 2024 EAP Supervisory Referral Form documented contemporaneously that: "Ofc. J. Dorman has been absent 27 days since 10/07/2023, as she was out on military leave." "Ofc. J. Dorman has expressed thoughts and issues that a supervisor is causing the issue and IID has been involved." "Ofc. J. Dorman has been avoiding coming to work as this particular supervisor is causing her to feel anxious, depressed, fearful, and angry."

91. Dorman signed the EAP Supervisory Referral Form on March 30, 2024 and elected to participate in the Employee Assistance Program. EAP services were approved.

92. Dorman engaged in EAP counseling with EAP counselor Haley Bandier. The counseling records contemporaneously document the deterioration of Dorman's mental health.

Dorman's Constructive Discharge

93. By August 2024, the cumulative effect of the State's conduct had rendered Dorman's working conditions intolerable. Specifically: (a) the April 19, 2022 sexual harassment investigation remained unresolved, two years and four months after Dorman first filed her complaint; (b) the OEEO had stayed the investigation because of Dorman's federal military deployment and never reinstated it; (c) the OEEO had failed to respond to Dorman's emergency March 22, 2024 complaint for 76 days; (d) DPSCS had returned Fontaine to Dorman's shift in a

supervisory capacity, despite the unresolved status of the investigation; (e) DPSCS had denied Dorman's seniority-based transfer request, while granting transfers to less-senior officers; (f) DPSCS officials had ordered the destruction of investigative records relating to the March 20, 2024 gatehouse incident; (g) Frank Webb had failed to follow up with Dorman after the June 7, 2024 call, despite his admissions that the investigation should be reopened; (h) Dorman was taking medication for depression and anxiety and was actively engaged in EAP and VA counseling because of the workplace conditions; and (i) the State had communicated, through its conduct, that it would not investigate Dorman's complaint, would not separate her from her harasser, and would not protect her from continued exposure to him.

94. On August 23, 2024, Dorman tendered her resignation. A reasonable person in Dorman's position, subjected to the same conduct over the same two-year period, would have felt compelled to resign.

95. The conditions that compelled Dorman's resignation were not the product of accident, neglect, or staff turnover. They were the product of deliberate institutional choices by DPSCS officials, including: (a) the OEEO's October 2022 decision to place Dorman's investigation in abeyance because of her federal military deployment, communicated to Dorman in writing; (b) DPSCS Human Resources's October 2023 decision to deny Dorman's seniority-based transfer request and to return Fontaine to her shift in a supervisory capacity, despite advance written knowledge of Dorman's return-to-duty date and the unresolved status of her complaint; (c) the OEEO's November 2023 through March 2024 decision not to respond to Dorman's emails and calls seeking reinstatement of the investigation; (d) Major Kiser's March 27, 2024 directive to destroy the investigative records of the gatehouse incident, with the express acknowledgment that Dorman had filed or was likely to file an external civil rights complaint;

(e) the OEEO's March 22, 2024 through June 7, 2024 silence in the face of Dorman's emergency complaint; (f) Frank Webb's June 2024 failure to follow up after the call in which he admitted that the investigation needed to be reopened; and (g) the State's June 15, 2024 communication that it would not investigate the complaint, citing a pretextual statute-of-limitations rationale.

96. Each of these institutional decisions was made by officials acting within the scope of their authority and in furtherance of DPSCS's response to Dorman's protected activity and her status as a deployed servicemember.

HARM CAUSED

97. As a direct and proximate result of Defendants' unlawful conduct, Dorman has suffered and continues to suffer substantial harm.

98. Dorman has suffered significant economic harm. From the date of her constructive discharge on August 23, 2024 through the present, Dorman has lost the wages and benefits she would have earned as a Correctional Officer II at Eastern Correctional Institution. Dorman has lost the wages and benefits she would have continued to earn for the remainder of her anticipated career with DPSCS, representing front pay through the date of her anticipated retirement. Dorman has lost overtime, leave accruals, and pension contributions associated with her continued employment. These economic losses are ongoing.

99. Dorman has suffered substantial harm to her professional reputation and her ability to secure comparable employment in correctional and law enforcement work. The unresolved internal affairs and OEEO history, the documented deterioration of her mental and physical health during the period of unaddressed harassment, and the circumstances surrounding her constructive discharge have foreclosed comparable career opportunities for which Dorman would otherwise have been qualified.

100. Dorman has suffered severe emotional and psychological harm. Beginning in or around November 2023, after the announcement that Fontaine would be returning to her shift, Dorman experienced anxiety, depression, fear, and anger that required her to seek counseling through Veterans Affairs and to be prescribed medication. The harm continued and intensified through the March 20, 2024 gatehouse incident, the State's 76-day silence in response to her March 22, 2024 emergency complaint, her March 30, 2024 EAP referral and EAP counseling with counselor Haley Bandier, and her ultimate constructive discharge. The psychological harm has persisted following her constructive discharge and continues to the present.

101. Dorman's emotional distress is corroborated by the contemporaneous EAP Supervisory Referral Form, which documented in writing that Dorman was experiencing "anxious, depressed, fearful, and angry" states because of the supervisor causing the issue, and by the contemporaneous observations of her coworkers, including Lieutenant Daniel Price, Sergeant John Hutcherson, Officer Renial Brown, and Officer Angel Negron, who observed the toll the situation took on Dorman's physical and emotional well-being.

102. Dorman has experienced humiliation, degradation, and a loss of dignity as a result of being subjected to sexual harassment that her employer refused to investigate, of being returned to a workplace in which her harasser was reinstated as her supervisor, and of being forced to resign from a career to which she had committed years of service.

103. Dorman, a 100% disabled combat veteran who served the United States honorably while her employer placed her civil rights complaint in abeyance because of that service, has suffered an additional dimension of harm in the form of being penalized by her State employer for fulfilling her military obligations.

104. Defendants' conduct was willful within the meaning of 38 U.S.C. § 4323(d)(1)(C). The State's actions were undertaken with knowledge that they violated USERRA or with reckless disregard for whether they violated USERRA. The willfulness of the State's conduct is established by, among other things, the OEEEO's written admission that Dorman's investigation was placed in abeyance "due to" her deployment; the State's continued failure to reinstate the investigation despite advance written knowledge of Dorman's return-to-duty date; and the March 27, 2024 directive to destroy investigative records, with the express acknowledgment that Dorman had filed or was likely to file an external civil rights complaint.

105. Defendants' conduct was undertaken with malice or reckless indifference to Dorman's federally and state-protected rights, supporting an award of punitive damages against Defendant Charles Fontaine in his individual capacity.

COUNT I

Discrimination on the Basis of Uniformed Service in Violation of the USERRA (38 U.S.C. § 4311, against Defendants State of Maryland and DPSCS)

106. Dorman incorporates herein the allegations set forth in paragraphs 1 through 105, above.

107. The Uniformed Services Employment and Reemployment Rights Act of 1994 prohibits an employer from denying any benefit of employment to a person on the basis of that person's membership in, performance of, or obligation to perform service in a uniformed service. 38 U.S.C. § 4311(a). An employer violates § 4311(a) when an employee's membership in or performance of service in a uniformed service is "a motivating factor" in the employer's adverse action, unless the employer can prove that it would have taken the same action absent that protected status. 38 U.S.C. § 4311(c)(1).

108. The term “benefit of employment” includes any advantage, profit, privilege, gain, status, account, or interest that accrues by reason of the employment relationship. 38 U.S.C. § 4303(2).

109. The right to a workplace investigation of an internal sexual harassment complaint, including a timely investigation conducted in accordance with the employer’s established procedures, is a benefit of employment within the meaning of 38 U.S.C. § 4303(2).

110. From July 5, 2022 through October 13, 2023, Dorman was a member of a uniformed service performing service in a uniformed service within the meaning of 38 U.S.C. § 4303(13) and (16). Dorman performed active-duty military service overseas during that period.

111. Defendants State of Maryland and DPSCS were Dorman’s employer within the meaning of 38 U.S.C. § 4303(4)(A).

112. Defendants denied Dorman benefits of employment on the basis of her uniformed service. The denials include, but are not limited to: (a) the October 2022 placement of Dorman’s April 19, 2022 sexual harassment investigation in abeyance because of her deployment, communicated in writing by Deputy Director Kia Webb on October 13, 2022; (b) the continued failure to reinstate the investigation upon Dorman’s October 13, 2023 return to active duty at ECI, despite Defendants’ advance written knowledge of her return-to-duty date and despite Webb’s October 13, 2022 written commitment that the investigation would be reinstated; (c) the October 2023 denial of Dorman’s seniority-based shift transfer request, while less-senior officers received transfers; and (d) the decision to return Fontaine to Dorman’s shift in a supervisory capacity.

113. Dorman’s uniformed service was a motivating factor in each of the adverse actions identified in the preceding paragraph. The October 13, 2022 email from Webb provides

direct documentary evidence of the causal connection between Dorman's deployment and the abeyance of her investigation: Webb wrote that the complaint was "held in abeyance due to your deployment, and will be reinstated and thoroughly investigated." Defendants' failure to reinstate the investigation upon Dorman's return is causally connected to the same protected status, because the abeyance had been imposed for that reason and because Defendants had advance written knowledge of her return-to-duty date through the October 12–13, 2023 email chain among DPSCS Human Resources, the chain of command at ECI, and the OEEO.

114. Defendants would not have taken the same actions absent Dorman's uniformed service. The October 13, 2022 abeyance email expressly identifies the deployment as the reason for the suspension. The October 12–13, 2023 internal email chain confirms that Defendants had advance written knowledge of Dorman's return-to-duty date. DPSCS's own internal procedures required prompt investigation of sexual harassment complaints, and Defendants did not follow those procedures. The pretextual reasons subsequently offered for the failure to investigate, including the asserted criminal statute of limitations and the asserted unavailability of Webb following her departure from DPSCS, were inconsistent with Defendants' contemporaneous representations and with the documentary record.

115. Defendants' violations of 38 U.S.C. § 4311(a) were willful within the meaning of 38 U.S.C. § 4323(d)(1)(C). The willfulness is established by, among other things, the OEEO's written acknowledgment that the abeyance was imposed because of Dorman's deployment; the State's continued failure to reinstate the investigation in the face of repeated written demands from Dorman; and the March 27, 2024 directive to destroy the investigative records of the gatehouse incident with the express acknowledgment that Dorman had filed or was likely to file an external civil rights complaint.

116. As a direct and proximate cause of Defendants' unlawful conduct in violation of 38 U.S.C. § 4311(a), Dorman has suffered and continues to suffer substantial harm.

COUNT II
**Retaliation in Violation of USERRA (38 U.S.C. § 4311),
against Defendants State of Maryland and DPSCS**

118. Dorman incorporates herein the allegations set forth in paragraphs 1 through 105, above.

119. USERRA prohibits an employer from discriminating in employment against, or taking any adverse employment action against, any person because that person has taken an action to enforce a protection afforded by USERRA, has testified or otherwise made a statement in or in connection with any USERRA proceeding, has assisted or otherwise participated in a USERRA investigation, or has exercised any right provided for under USERRA. 38 U.S.C. § 4311(b).

120. Dorman engaged in protected activity within the meaning of 38 U.S.C. § 4311(b) on multiple occasions, including: (a) on October 6, 2022, Dorman emailed Deputy Director Kia Webb to object to the asserted dropping of her April 19, 2022 sexual harassment investigation and to seek the reinstatement of the investigation, expressly identifying her deployment as the cause of the investigatory failure; (b) on November 27, 2023, Dorman emailed Webb to demand reinstatement of the investigation following her return from deployment, citing Webb's October 13, 2022 written commitment; (c) on November 29, 2023, Dorman complained to DPSCS Human Resources Officer Tracie Wallace, witnessed by NyCholle Gaitor of Dorman's military Family Readiness program, regarding the unresolved investigation, the planned return of Fontaine to her shift, and the denial of her seniority-based transfer request; and (d) on March 22, 2024, Dorman emailed OEEEO Executive Director Angela Washington and, separately, Acting

EEO Supervisor Frank Webb, attaching the original complaint, the prior correspondence with Kia Webb, and documentation of the March 20, 2024 gatehouse incident, and seeking the resumption of the investigation that had been placed in abeyance because of her deployment.

121. Each of the communications identified in the preceding paragraph constituted an action by Dorman to enforce a protection afforded by USERRA, in that each invoked her deployment as the cause of the investigatory failure and sought to vindicate the right to a workplace investigation that had been suspended because of her uniformed service.

122. Defendants had actual knowledge of Dorman's protected activity. Each of the communications in paragraph 120 was directed to a DPSCS official acting within the scope of her or his authority, and each placed the official on actual notice that Dorman was asserting her rights as a servicemember to a benefit of employment that had been denied because of her deployment.

123. Following Dorman's protected activity, Defendants took materially adverse actions against her, including: (a) the continued failure, from October 2023 forward, to reinstate the investigation despite repeated written demands from Dorman; (b) the October 2023 denial of Dorman's seniority-based transfer request, while less-senior officers received transfers; (c) the decision to return Fontaine to Dorman's shift in a supervisory capacity; (d) the seventy-six-day silence from March 22, 2024 through June 7, 2024 in response to Dorman's emergency complaint to Executive Director Washington and Acting EEO Supervisor Webb; (e) the March 27, 2024 directive from Major Kiser, communicated through Captain Wilkins to Lieutenant Price, to destroy the investigative records of the March 20, 2024 gatehouse incident, with the express acknowledgment that Dorman had filed or was likely to file an external civil rights complaint; (f) the June 15, 2024 communication, conveyed through union representative Hughes,

that DPSCS would not investigate the original complaint, citing a pretextual statute-of-limitations rationale; (g) Frank Webb's failure, after the June 7, 2024 call in which he admitted that the investigation needed to be reopened, to follow up with Dorman or to take any corrective action; and (h) the conditions giving rise to Dorman's August 23, 2024 constructive discharge.

124. Each of the adverse actions identified in the preceding paragraph would dissuade a reasonable servicemember from engaging in activity protected by USERRA.

125. Dorman's protected activity was a motivating factor in each of the adverse actions identified in paragraph 123. The temporal proximity between Dorman's October 2022 and November 2023 protected activity and Defendants' adverse responses, the subject-matter linkage between her invocation of her deployment as the cause of the investigatory failure and Defendants' continued refusal to reinstate the investigation, and the documented spoliation directive issued with express reference to anticipated litigation establish the causal nexus.

126. Defendants would not have taken the same actions absent Dorman's protected activity. The State has offered shifting and pretextual explanations for its conduct, including: (a) the asserted dropping of the investigation in 2022 because Dorman did not respond within thirty days, when no investigator had ever contacted her; (b) the asserted criminal statute of limitations as a basis for declining the civil rights investigation, when the criminal limitations period was inapplicable to the OEEO's Title 20 investigation; and (c) the asserted unavailability of Kia Webb following her departure from DPSCS, when Webb's departure was a matter of staffing within DPSCS's control and did not relieve the OEEO of its obligation to reinstate the investigation.

127. Defendants' violations of 38 U.S.C. § 4311(b) were willful within the meaning of 38 U.S.C. § 4323(d)(1)(C). The willfulness is established by, among other things, the March 27,

2024 spoliation directive issued with the express acknowledgment that Dorman had filed or was likely to file an external civil rights complaint, and by the seventy-six-day silence in the face of an emergency safety complaint that explicitly invoked Dorman's deployment-related protected activity.

128. As a direct and proximate cause of Defendants' unlawful conduct in violation of 38 U.S.C. § 4311(b), Dorman has suffered and continues to suffer substantial harm.

COUNT III

Sex-Based Hostile Work Environment in Violation of Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e-2(a)(1)), against Defendants State of Maryland and DPSCS

129. Dorman incorporates herein the allegations set forth in paragraphs 1 through 105, above.

130. Title VII of the Civil Rights Act of 1964 prohibits an employer from discriminating against any individual with respect to compensation, terms, conditions, or privileges of employment because of such individual's sex. 42 U.S.C. § 2000e-2(a)(1). Sex-based harassment that is sufficiently severe or pervasive to alter the conditions of the victim's employment and create an abusive working environment violates Title VII.

131. To establish a sex-based hostile work environment claim under Title VII, a plaintiff must show that the conduct was unwelcome, that it was based on the plaintiff's sex, that it was sufficiently severe or pervasive to alter the conditions of employment and create an abusive working environment, and that there is a basis for imposing liability on the employer.

132. At all times relevant to this Complaint, the State of Maryland and DPSCS were Dorman's employer within the meaning of 42 U.S.C. § 2000e(b).

133. Dorman is a member of a class protected by Title VII against sex-based discrimination.

134. Dorman was subjected to unwelcome sex-based conduct in the workplace by Fontaine, her direct supervisor, as set forth in paragraphs 24 through 28 above. The conduct included sexually suggestive comments, statements that Dorman understood as solicitations for sexual contact, comments on Dorman's physical appearance, statements expressing that Fontaine preferred Dorman over a darker-skinned female colleague, and unconsented physical contact with Dorman's hand and arm. The conduct continued through, and was reinforced by, the March 20, 2024 gatehouse incident, in which Fontaine cornered Dorman and positioned himself to observe her as she removed her jacket, boots, and belt to comply with the gatehouse entry procedure.

135. The conduct was unwelcome. Dorman did not solicit, invite, or encourage the conduct. She filed a formal written internal complaint against Fontaine on April 19, 2022, and she repeatedly invoked the conduct in subsequent communications with DPSCS officials, including her October 6, 2022 email to Webb, her November 27, 2023 email to Webb, her November 29, 2023 complaint to Wallace, her March 22, 2024 emergency emails to Washington and Frank Webb, and her oral complaints in the June 7, 2024 call with Frank Webb.

136. The conduct was directed at Dorman because of her sex. Fontaine's solicitations for sexual contact, comments on her appearance, and statements expressing a sex-and-color-based preference for Dorman over a darker-skinned female colleague were inherently sex-based. The March 20, 2024 gatehouse conduct, in which Fontaine positioned himself to observe Dorman partially disrobe to clear the entry procedure, was likewise sex-based.

137. The conduct was sufficiently severe or pervasive to alter the conditions of Dorman's employment and to create an abusive working environment. The conduct occurred over a period of years, included physical contact, included explicit propositions for sexual

contact, and was made more severe by Fontaine's supervisory authority over Dorman. The conduct continued and intensified after Dorman filed her internal complaint, in that DPSCS's failure to investigate and its return of Fontaine to Dorman's shift in a supervisory position transformed every shift into an exposure to her harasser. Dorman subjectively perceived the environment as hostile and abusive, and a reasonable person in her position would have so perceived it.

138. Fontaine was Dorman's direct supervisor, with authority to direct her work, control her shift assignments, and influence her tangible employment conditions. The harassment culminated in tangible employment actions, including the denial of Dorman's October 18, 2023 seniority-based transfer request, the return of Fontaine to Dorman's shift in a supervisory capacity, and Dorman's August 23, 2024 constructive discharge. Where supervisor harassment culminates in a tangible employment action, the employer is strictly liable.

139. Defendants did not exercise reasonable care to prevent and promptly correct the harassment. Defendants placed Dorman's investigation in abeyance for over a year because of her deployment, failed to reinstate the investigation upon her return, returned the harasser to her shift in a supervisory position, denied her seniority-based transfer request, and ignored her March 22, 2024 emergency complaint for seventy-six days. Dorman did not unreasonably fail to take advantage of preventive or corrective opportunities; she filed an internal complaint within months of the onset of the harassment, repeatedly followed up through every available channel, and engaged her union when DPSCS proved unresponsive.

140. As a direct and proximate cause of Defendants' unlawful conduct in violation of 42 U.S.C. § 2000e-2(a)(1), Dorman has suffered and continues to suffer substantial harm.

COUNT IV

Retaliation and Constructive Discharge in Violation of Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e-3(a)), against Defendants State of Maryland and DPSCS

141. Dorman incorporates herein the allegations set forth in paragraphs 1 through 105, above.

142. Title VII of the Civil Rights Act of 1964 prohibits an employer from discriminating against any employee because the employee has opposed any practice made an unlawful employment practice by Title VII, or because the employee has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under Title VII. 42 U.S.C. § 2000e-3(a).

143. To establish a Title VII retaliation claim, a plaintiff must show that she engaged in protected activity, that she suffered a materially adverse action, and that there is a but-for causal connection between the protected activity and the adverse action.

144. Dorman engaged in protected activity within the meaning of the opposition clause of 42 U.S.C. § 2000e-3(a) on multiple occasions, including: (a) the April 19, 2022 written internal complaint filed against Fontaine on the DPSCS-prescribed Internal Complaint Form, alleging sex-based harassment in violation of Title VII; (b) the October 6, 2022 email to Deputy Director Webb objecting to the asserted dropping of the investigation; (c) the November 27, 2023 email to Webb demanding reinstatement of the investigation; (d) the November 29, 2023 complaint to DPSCS Human Resources Officer Tracie Wallace, witnessed by NyCholle Gaitor, regarding the unresolved harassment investigation, the planned return of Fontaine to her shift, and the denial of her seniority-based transfer request; (e) the November 2023 and December 2023 telephone calls to OEEEO Executive Director Angela Washington's office; (f) the March 22, 2024 emergency emails to Executive Director Washington and Acting EEO Supervisor Frank

Webb, attaching the original complaint, the prior correspondence with Webb, and documentation of the March 20, 2024 gatehouse incident; and (g) Dorman's oral complaints during the June 7, 2024 call with Frank Webb.

145. Each of the communications identified in the preceding paragraph constituted opposition to conduct that Dorman reasonably believed to violate Title VII's prohibition on sex-based discrimination and harassment.

146. Defendants had actual knowledge of Dorman's protected activity. Each of the communications identified in paragraph 144 was directed to a DPSCS official acting within the scope of her or his authority. The October 13, 2022 email from Webb expressly acknowledged Dorman's "Complaint" and confirmed that it would be "reinstated and thoroughly investigated."

147. Following Dorman's protected activity, Defendants took materially adverse actions against her, including: (a) the October 2022 placement of the investigation in abeyance; (b) the continued failure, from October 2023 forward, to reinstate the investigation despite repeated written demands; (c) the October 2023 denial of Dorman's seniority-based transfer request, while less-senior officers received transfers; (d) the decision to return Fontaine to Dorman's shift in a supervisory capacity; (e) the 76-day silence from March 22, 2024 through June 7, 2024 in response to Dorman's emergency complaint; (f) the March 27, 2024 directive from Major Kiser, communicated through Captain Wilkins to Lieutenant Price, to destroy the investigative records of the March 20, 2024 gatehouse incident, with the express acknowledgment that Dorman had filed or was likely to file an external civil rights complaint; (g) the June 15, 2024 communication that DPSCS would not investigate the original complaint, citing a pretextual statute-of-limitations rationale; (h) Frank Webb's failure, after the June 7, 2024 call in which he admitted that the investigation needed to be reopened, to follow up with

Dorman or to take any corrective action; and (i) the conditions giving rise to Dorman's August 23, 2024 constructive discharge.

148. Each of the adverse actions identified in the preceding paragraph would have dissuaded a reasonable worker in Dorman's position from making or supporting a charge of discrimination.

149. Dorman's August 23, 2024 resignation constitutes a constructive discharge. Defendants deliberately created and maintained working conditions so intolerable that a reasonable person in Dorman's position would have felt compelled to resign. The deliberate nature of Defendants' conduct is established by the institutional decisions identified in paragraph 95, including the placement of the investigation in abeyance, the denial of the transfer request, the return of Fontaine to Dorman's shift, the 76-day silence in the face of an emergency complaint, and the March 27, 2024 spoliation directive.

150. The constructive discharge constitutes a separate adverse action and a culminating tangible employment action for purposes of Title VII liability.

151. But for Dorman's protected activity, Defendants would not have taken the adverse actions identified in paragraph 147. The State's stated reasons for its conduct are pretextual. The asserted dropping of the investigation in 2022 because Dorman did not respond within thirty days is contradicted by Webb's October 13, 2022 written admission that the abeyance was imposed because of Dorman's deployment and by the fact that no investigator had ever contacted her. The asserted criminal statute of limitations as a basis for declining the civil rights investigation is inapplicable to the OEEO's Title 20 investigation. The asserted unavailability of Webb following her departure from DPSCS does not relieve the OEEO of its institutional

obligation to reinstate the investigation, particularly where the file was the subject of repeated written demands.

152. As a direct and proximate cause of Defendants' unlawful conduct in violation of 42 U.S.C. § 2000e-3(a), Dorman has suffered and continues to suffer substantial harm.

COUNT V

Sex-Based Hostile Work Environment in Violation of the Maryland Fair Employment Practices Act (Md. Code Ann., State Gov't § 20-606), against Defendants State of Maryland and DPSCS

153. Dorman incorporates herein the allegations set forth in paragraphs 1 through 105, above.

154. The Maryland Fair Employment Practices Act prohibits an employer from discriminating against any individual with respect to the individual's compensation, terms, conditions, or privileges of employment because of the individual's sex. Md. Code Ann., State Gov't § 20-606(a)(1). Sex-based harassment that is sufficiently severe or pervasive to alter the conditions of the victim's employment and create an abusive working environment violates MFEPA.

155. At all times relevant to this Complaint, the State of Maryland and DPSCS were Dorman's employer within the meaning of Md. Code Ann., State Gov't § 20-601(d), and Dorman was an employee within the meaning of Md. Code Ann., State Gov't § 20-601(c).

156. The same factual allegations set forth in paragraphs 24 through 28 and 60 through 75 establish that Dorman was subjected to sex-based harassment that was unwelcome, was based on her sex, and was sufficiently severe or pervasive to alter the conditions of her employment and to create an abusive working environment.

157. The same factual allegations set forth in paragraphs 134 through 139 establish a basis for imposing liability on Defendants State of Maryland and DPSCS for the sex-based hostile work environment.

158. Defendant Charles Fontaine personally participated in the unlawful sex-based harassment by engaging in the conduct set forth in paragraphs 24 through 28 and 60 through 75. Fontaine's conduct was undertaken intentionally, willfully, and with malice or reckless disregard for Dorman's right to be free from sex-based harassment in the workplace.

159. As a direct and proximate cause of Defendants' unlawful conduct in violation of Md. Code Ann., State Gov't § 20-606, Dorman has suffered and continues to suffer substantial harm.

COUNT VI

Retaliation and Constructive Discharge in Violation of the Maryland Fair Employment Practices Act (Md. Code Ann., State Gov't § 20-606(f)), against Defendants State of Maryland and DPSCS

160. Dorman incorporates herein the allegations set forth in paragraphs 1 through 105, above.

161. The Maryland Fair Employment Practices Act prohibits an employer from discriminating or retaliating against any individual because the individual has opposed any practice prohibited by MFEPA, or because the individual has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under MFEPA. Md. Code Ann., State Gov't § 20-606(f).

162. The same factual allegations set forth in paragraphs 144 through 151 establish that Dorman engaged in protected activity, that Defendants took materially adverse actions against her, that Dorman was constructively discharged, and that the adverse actions and constructive discharge were causally connected to her protected activity.

163. Defendant Charles Fontaine personally participated in the retaliatory conduct, including by his role in the March 20, 2024 gatehouse incident, which was undertaken with knowledge of Dorman's pending sexual harassment complaint and which was directed at Dorman because of her opposition to his prior sex-based misconduct. Fontaine's conduct was undertaken intentionally, willfully, and with malice or reckless disregard for Dorman's right to be free from retaliation.

164. As a direct and proximate cause of Defendants' unlawful conduct in violation of Md. Code Ann., State Gov't § 20-606(f), Dorman has suffered and continues to suffer substantial harm.

COUNT VII

Aiding and Abetting Discrimination and Retaliation in Violation of the Maryland Fair Employment Practices Act (Md. Code Ann., State Gov't § 20-801, against Defendant Charles Fontaine

165. Dorman incorporates herein the allegations set forth in paragraphs 1 through 105, above.

166. Md. Code Ann., State Gov't § 20-801 imposes liability on a person who participates in, incites, or assists the commission of a discriminatory act by another, including the discriminatory acts of that person's employer.

167. The State of Maryland and DPSCS committed discriminatory acts in violation of § 20-606, as established in Counts V and VI above, by subjecting Dorman to a sex-based hostile work environment, by retaliating against her for her opposition to that harassment, and by constructively discharging her.

168. Fontaine aided, abetted, incited, and compelled those discriminatory acts. Fontaine's unwelcome sex-based conduct, set forth in paragraphs 24 through 28, was the conduct that the State of Maryland and DPSCS were obligated to investigate and remedy and that they

instead ratified and perpetuated by placing Dorman's complaint in abeyance, failing to reinstate the investigation, returning Fontaine to Dorman's shift in a supervisory capacity, and denying her seniority-based transfer request. Fontaine used his supervisory authority to bring about those conditions, including by attempting to displace Dorman from her assigned post during her deployment and by engineering his return to her shift, and he engaged in the March 20, 2024 gatehouse conduct set forth in paragraphs 60 through 75. Through this conduct, Fontaine incited, contributed to, and intensified the discriminatory acts for which the State of Maryland and DPSCS are liable.

169. Fontaine acted with knowledge of Dorman's pending sexual harassment complaint and of her continued opposition to his conduct. His conduct was undertaken intentionally and willfully, and with malice or reckless disregard for Dorman's right to be free from sex-based harassment and retaliation in the workplace.

170. As a direct and proximate cause of Fontaine's unlawful conduct in violation of Md. Code Ann., State Gov't § 20-801, Dorman has suffered and continues to suffer substantial harm.

PRAYER FOR RELIEF

For the foregoing reasons, Plaintiff Janae C. Dorman respectfully requests that this Court enter judgment on the Complaint, in her favor and against Defendants State of Maryland, Maryland Department of Public Safety and Correctional Services, and Charles Fontaine, as follows:

A. Declare that Defendants' actions as described herein violated the Uniformed Services Employment and Reemployment Rights Act of 1994, Title VII of the Civil Rights Act of 1964, and the Maryland Fair Employment Practices Act;

- B. Award Dorman appropriate amounts of back pay and front pay, in fair and reasonable amounts to be determined at trial;
- C. Award Dorman compensatory damages for the harm she suffered as a result of Defendants' unlawful conduct, in a fair and reasonable amount to be determined at trial;
- D. Award Dorman liquidated damages under 38 U.S.C. § 4323(d)(1)(C) in an amount equal to the lost wages and benefits awarded under Count I and Count II, based on Defendants' willful violations of USERRA;
- E. Award Dorman the costs and fees she incurred in connection with this action, including reasonable attorney fees;
- F. Order Defendants to expunge from Dorman's personnel file and from any other files, databases, or systems maintained by DPSCS or its component agencies all references to the abeyance of her April 19, 2022 sexual harassment complaint, the asserted statute-of-limitations rationale, the IID criminal review, and the circumstances surrounding her August 23, 2024 constructive discharge;
- G. Order Defendants to provide comprehensive training to DPSCS officials and supervisory personnel regarding the requirements of USERRA, Title VII, and MFEPA, including the prohibition on placing harassment investigations in abeyance because of military service, the obligation to investigate sexual harassment complaints promptly and thoroughly, and the prohibition on retaliation and spoliation of investigative records; and
- H. Grant Dorman such other relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff hereby demands a trial by jury on all issues so triable.

Dated: June 11, 2026

/s/ Jordan D. Howlette

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