

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MARYLAND, BALTIMORE DIVISION**

BARBARA LOWMAN
13957 Unionville Road
Mount Airy, Maryland 21771

*

Plaintiff,

*

v.

**MARYLAND AVIATION
ADMINISTRATION (MAA)**
P.O. Box 8766, Third Floor
BWI Airport, Maryland 21240-0766

*

Serve On: Nancy K. Koop, Treasurer
Louis L. Goldstein Treasury Building
80 Calvert Street
Annapolis, Maryland 21401

*

Defendant.

*

Case No. _____

COMPLAINT

Plaintiff, Barbara Lowman, by and through her attorneys, Shane Nikolao, and Legum and Nikolao, P.A., sues Maryland Aviation Administration, and states:

PARTIES

1. At all times material, Plaintiff, Barbara Lowman ("Ms. Lowman"), a female, was a citizen and resident of the United States, residing in Mount Airy, Fredrick County, Maryland.

2. At all times material, Defendant, Maryland Aviation Administration ("MAA"), was a division of the Department of Transportation ("DOT") of the State of

Maryland, doing business, or operating, in Anne Arundel County, Maryland, as the Baltimore Washington International Thurgood Marshall Airport ("BWI").

3. At all times material, the MAA was an employer within the meaning of 42 U.S.C. §§ 2000e to 2000e-17 and Maryland Code, §§ 20-601 to 20-610 of the State Government Article ("SG"), and was engaged in an industry affecting commerce, employing more than 15 employees for each working day in each of 20 or more calendar weeks in the then-current or preceding calendar year.

4. At all times material, Ms. Lowman was employed by the MAA.

JURISDICTION

5. This action arises under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e to -17, and Maryland's Fair Employment Practices Act ("FEPA"), SG §§ 20-601 to -610.

6. Jurisdiction over the Title VII claims is conferred on this Court pursuant to 28 U.S.C. §§ 1331, 1343.

7. Supplemental jurisdiction over the state claims is conferred on this Court by 28 U.S.C. § 1367.

8. Venue is proper pursuant to 28 U.S.C. § 1391(b) and 42 U.S.C. § 2000e-5(f)(3) because the unlawful employment action was committed in this judicial district.

ADMINISTRATIVE REMEDIES

9. Ms. Lowman has fulfilled all conditions precedent to filing this action.

10. She timely filed a charge with the Equal Employment Opportunity Commission ("EEOC"). (Ex. 1 [August 15, 2015; Charge of Discrimination].)

11 Ms. Lowman was informed of the Determination by the EEOC and the entrance into possible conciliation. (Ex.2 [June 13, 2017; Determination ltr from Director Rosemarie Rhodes]

12. Ms. Lowman was informed that efforts to conciliate her charge had been unsuccessful and her case was referred to the United States Department of Justice. (Ex. 3 [August 31, 2017; Ltr from Director Rosemarie Rhodes].)

13. The United States Department of Justice determined not to file suit on Ms. Lowman's behalf. (Ex. 4 [February 2, 2018; Notice of Right to Sue within 90 Days, ltr. From Karen D. Woodard].)

ALLEGATIONS COMMON TO ALL CLAIMS

Facts Establishing The Claims

14. Ms. Lowman began working for MAA on November 15, 2000 as a paramedic, eventually becoming the acting EMS Captain on or around February 2014.

15. In February 2015, Ms. Lowman applied for the Division Chief EMS position.

16. The interview process was held on March 25, 2015.

17. On or about July 31, 2015, Ms. Lowman discovered that Charles Packard had been selected as Division Chief EMS.

18. Mr. Packard is a male who is less qualified than Ms. Lowman for the position and failed to meet the requirements listed in the job posting issued by MAA.

19. On August 15, 2015, Ms. Lowman filed a Charge of Discrimination with the EEOC.

20. In the determination letter issued by Director Rosemarie Rhodes of the EEOC, it states “based on this analysis, I have determined that the evidence obtained during the investigation establishes that Charging Party was denied a promotion to Division Chief of EMS position due to her sex (female) in violations of Title VII.” (Ex.2)

21. Since February 2014, Ms. Lowman was acting Captain EMS and was paid the appropriate salary for this position. In May 2015, Ms. Lowman stopped receiving acting captain pay and was removed from the position without just reasoning.

22. Ms. Lowman was informed that a job posting was being created for a Captain EMS position and reclassification had to take place.

23. On July 17, 2017, Ms. Lowman was called into a meeting with Chief Victor Ferreira, Division Chief Packard and Diane Walker from MAA Human Resources. In this meeting Ms. Lowman was informed that she would be placed back onto shift work, specifically a less favorable 24 shift, after more than three years working in an office administratively during day shift.

24. Also, during this meeting, Ms. Lowman inquired again about the Captain EMS position and if a posting announcement would ever be made. Ms. Lowman was told

that it was a lengthy process to create the position and that she was removed from Acting Captain to not show any favoritism once the posting was made.

25. The decision to change Ms. Lowman's work load and work hours came shortly after the June 14, 2017 letter was sent to MAA from the EEOC.

26. Shortly after being moved to the new shift, Ms. Lowman was moved back to the day shift after her supervisors consulted with MAA counsel.

27. Ms. Lowman applied and interviewed for the Captain EMS position once it was finally posted but ultimately decided that the treatment she has received from the MAA did not make her continued employment with the MAA desirable and entered her notice for retirement from MAA on November 22, 2017 with a retirement date of December 1, 2017.

COUNT I

(Sex Discrimination)

Brought Pursuant to 42 U.S.C. §§ 2000e to 2000e-17
and
SG §§ 20-606(a)(1), 20-901(a))

28. As a female, Ms. Lowman is a member of a protected group.

29. Ms. Lowman applied for the position of Division Chief EMS when the position became open.

30. Ms. Lowman was well qualified for the position, having served as Acting Captain EMS for more than three years.

31. Ms. Lowman was not given the job, despite the fact that she was the best-qualified applicant.

32. The position was awarded to someone not in Ms. Lowman's protected group, a male, whose qualifications were substantially inferior to Ms. Lowman's.

33. The male candidate who was selected for the Division Chief position did not meet the minimum qualifications posted for the position.

34. The factual history of Ms. Lowman's employment with the MAA provides clear evidence of a motive to discriminate on the basis of sex.

COUNT II

(Retaliation)

Brought pursuant to 42 U.S.C. §§ 2000e to 2000e-17

and

SG §§ 20-606(f), 20-901(a)

35. Ms. Lowman was engaged in an activity protected under Title VII and FEPA when she filed a complaint with the EEOC against the MAA for sex discrimination.

36. Around the time that MAA was notified of the EEOC complaint, Ms. Lowman put in a request for job reclassification for EMS Captain since Ms. Lowman had already been acting EMS Captain for over a year.

37. Despite following all requirements and sending it through the chain of command, Ms. Lowman was never informed on the status of her request.

38. During the same period, several other employees had reclassifications completed.

39. Ms. Lowman was called into a meeting with Chief Packard and Diane Walker (Human Resources) on July 7, 2017, shortly after the EEOC had determined findings of discrimination, where she was informed that she was being placed back on a less favorable 24 shift work after more than three years on day shift.

40. Ms. Lowman was given short notice to rearrange her schedule to begin her new shift work.

41. Shortly after being placed on the new shift, Ms. Lowman was informed by Deputy Chief Frazer that she was being placed back on day work after MAA's legal department was informed of the shift change.

42. There was clear evidence of continuing animus towards Ms. Lowman because of her earlier engagement in protected activity.

WHEREFORE, Ms. Lowman respectfully requests that this Court enter judgment in her favor and

- a. Award her damages for the period during which she was unlawfully denied the position, or, in the alternative,
- b. Award her damages going forward from the date of denial of her application for the promotion to the date of her retirement, and
- c. Any and all such other relief as the Court deems proper.

DEMAND FOR JURY TRIAL

Plaintiff demands trial on all issues and counts.

Respectfully submitted,

/s/

Shane Nikolao, Esquire
Legum, Nikolao & Mannisi, P.A.
133 Defense Highway, Suite 211
Annapolis, MD 21401
Telephone: (410) 263-3001
Facsimile: (410) 267-8564
Email: shane@legumnikolao.com
Bar Number: 28,814

Attorney for the Plaintiff

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

<p>I. (a) PLAINTIFFS Barbara Lowman</p> <p>(b) County of Residence of First Listed Plaintiff <u>Fredrick</u> <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i></p> <p>(c) Attorneys <i>(Firm Name, Address, and Telephone Number)</i> Shane Nikolao, Legum, Nikolao & Mannisi, P.A., 133 Defense Hwy., Suite 211, Annapolis, MD 21401; (410) 263-3001</p>	<p>DEFENDANTS Maryland Aviation Administration</p> <p>County of Residence of First Listed Defendant <u>Anne Arundel</u> <i>(IN U.S. PLAINTIFF CASES ONLY)</i></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys <i>(If Known)</i> William C. Lindsey, Asst. Attorney General, Maryland Aviation Admin., P.O. Box 8766, Third Floor, BWI Airport, MD 21240-0766</p>
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<p>II. BASIS OF JURISDICTION <i>(Place an "X" in One Box Only)</i></p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="checkbox"/> 3 Federal Question <i>(U.S. Government Not a Party)</i></p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 4 Diversity <i>(Indicate Citizenship of Parties in Item III)</i></p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES <i>(Place an "X" in One Box for Plaintiff and One Box for Defendant)</i></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%;"></td> <td style="width: 10%; text-align: center;">PTF</td> <td style="width: 10%; text-align: center;">DEF</td> <td style="width: 50%;"></td> <td style="width: 10%; text-align: center;">PTF</td> <td style="width: 10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<p>PERSONAL INJURY</p> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<p>PERSONAL INJURY</p> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <p>PERSONAL PROPERTY</p> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	PROPERTY RIGHTS	
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<p>Habeas Corpus:</p> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <p>Other:</p> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	
			IMMIGRATION	SOCIAL SECURITY	
			<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	
				FEDERAL TAX SUITS	
				<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

V. ORIGIN *(Place an "X" in One Box Only)*

1 Original Proceeding
 2 Removed from State Court
 3 Remanded from Appellate Court
 4 Reinstated or Reopened
 5 Transferred from Another District *(specify)*
 6 Multidistrict Litigation - Transfer
 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity)*:
Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C 200e to 17; Maryland FEPA, SG 20-601-610

Brief description of cause:
Failure to promote based on sex

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMAND \$** _____

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY *(See instructions):*

JUDGE _____ DOCKET NUMBER _____

DATE 4/20/18 SIGNATURE OF ATTORNEY OF RECORD Shane Nikolao

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

UNITED STATES DISTRICT COURT

for the
District of Maryland



Barbara Lowman

Plaintiff(s)

v.

Maryland Aviation Administration (MAA)

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Maryland Aviation Administration (MAA)
Serve on: Nancy K. Koop, Treasurer
Louis L. Goldstein Treasury Building
80 Calvert Street
Annapolis, Maryland 21401

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Shane Nikolao
Legum, Nikolao & Mannisi, P.A.
133 Defense Highway, Suite 211
Annapolis, Maryland 21401

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Baltimore Field Office**

City Crescent Building
10 South Howard St. 3rd Floor
Baltimore, MD 21201
Intake Information Group: (800) 669-4000
Intake Information Group TTY: (800) 669-6820
Baltimore Direct Dial: (410) 209-2237
TTY (410) 962-6065
FAX (410) 209-2221
FAX (410) 962-4270
<http://www.eeoc.gov>

EEOC Charge No.: 531-2015-02078

Barbara Lowman
13957 Unionville Road
Mount Airy, MD 21771

Charging Party

Maryland Aviation Administration - BWI Airport Fire & Rescue
1200 Mathison Way
P.O. Box 8766
Terminal Bldg. 3rd Floor
BWI Airport, MD 21240-0766

Respondent

DETERMINATION

Under the authority vested in me by the Commission's Procedural Regulations, I issue on behalf of the Commission the following determination as to the investigation of the subject charge filed under Title VII of the Civil Rights Act of 1964, as amended, (hereinafter referred to as "Title VII").

Respondent is an employer within the meaning of the Title VII, and all requirements for coverage have been met.

Charging Party alleges she was denied a promotion to the position of Airport Division Chief of EMS due to her sex (female) in violation of Title VII. Specifically, Charging Party states the position in question was filled by a lesser qualified individual not of her protected class, Charles Packard (male).

Respondent denies Charging Party's allegations and contends Charging Party was not selected for the position of Airport Division Chief of EMS because she was not the best qualified.

Evidence provided by Respondent reveals the vacancy for Airport Division Fire Chief of EMS opened on February 27, 2015 and closed on March 16, 2015. Charging Party applied for the position of Airport Division Fire Chief of EMS in February 2015. In or around July 2015, although qualified, Charging Party was not selected for the position in question. Documentary and testimonial evidence gathered during the investigation revealed that the male selectee did not meet the minimum qualifications for the position in question.

Based on this analysis, I have determined that the evidence obtained during the investigation establishes that Charging Party was denied a promotion to Division Chief of EMS position due to her sex (female) in violation of Title VII.



Determination (cont'd)
EEOC Charge No. 531-2015-02078
Page 2

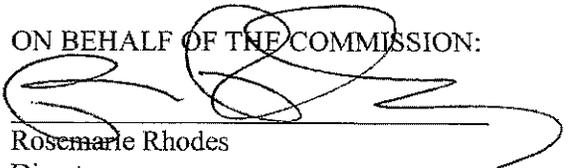
Upon finding reasonable cause that unlawful employment practices have occurred, the Commission attempts to eliminate the alleged unlawful practices by informal methods of conciliation. Conciliation is Respondent's opportunity to voluntarily remedy the unlawful employment practices found to have occurred. Ultimately, any conciliation agreement must be acceptable to the Commission. Enclosed is a proposed conciliation agreement designed to remedy the unlawful employment practices found to have occurred in this Letter of Determination. Respondent is invited to respond to this proposal within 14 days of receipt.

If Respondent fails to engage in conciliation, or if the Commission determines, in its sole discretion, that conciliation has failed, the Director will inform the parties and advise them of the court enforcement alternatives available to aggrieved persons and the Commission.

JUN 13 2017

Date

ON BEHALF OF THE COMMISSION:



Rosemarie Rhodes
Director

Enclosure:
Conciliation Proposal Letter (Respondent Only)

cc:
Tyrone Hill - EEO Compliance Manager
Maryland Aviation Administration - BWI Airport Fire & Rescue
1200 Mathison Way
P.O. Box 8766
Terminal Bldg. 3rd Floor
BWI Airport, MD 21240-0766



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Baltimore Field Office

City Crescent Building
10 South Howard St., 3rd Floor
Baltimore, MD 21201
Intake Information Group: (800) 669-4000
Intake Information Group TTY: (800) 669-6820
Baltimore Status Line: (866) 408-8075
Baltimore Direct Dial: (410) 209-2237
TTY (410) 962-6065
FAX (410) 209-2221
FAX (410) 962-4270
Website: www.eeoc.gov

Barbara Lowman
13957 Unionville Road
Mt. Airy, MD 21771

Re: Barbara Lowman v. MAA-BWI Airport Fire & Rescue
EEOC Charge No.: 531-2015-02078

Dear Ms. Lowman :

The Equal Employment Opportunity Commission (EEOC) has determined that efforts to conciliate your charge have been unsuccessful. Your case has been referred to the United States Department of Justice (DOJ) for review to determine whether a civil action in Federal District Court will be brought against the above named Respondent.

If DOJ decides to bring a civil suit, you will be notified.

AUG 3 1 2017

Date

ON BEHALF OF THE COMMISSION:

Rosemarie Rhodes
Director

EXHIBIT

3



U.S. Department of Justice

Civil Rights Division

JMG:KDW:KLF

DJ 170-35-0

Employment Litigation Section - PHB
950 Pennsylvania Avenue, NW
Washington, DC 20530
www.usdoj.gov/crt/emp

NOTICE OF RIGHT TO SUE WITHIN 90 DAYS

FEB - 2 2018

CERTIFIED MAIL 7003 0500 0002 5072 4764
RETURN RECEIPT REQUESTED

Ms. Barbara A. Lowman
13957 Unionville Road
Mount Airy, MD 21771

Re: Barbara A. Lowman v. Maryland Aviation Administration, BWI
Airport Fire & Rescue, EEOC Charge No. 531-2015-02078

Dear Ms. Lowman:

It has been determined that the Department of Justice will not file suit on the above-referenced charge of discrimination that was referred to us by the Equal Employment Opportunity Commission (EEOC). This should not be taken to mean that the Department of Justice has made a judgment as to whether or not your charge is meritorious.

You are hereby notified that conciliation in the matter was unsuccessful by the EEOC. You are further notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e et seq., against the above-named respondent. If you choose to commence a civil action, such suit must be filed in the appropriate court within 90 days of your receipt of this Notice.

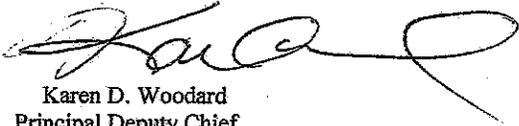
Therefore, you should consult an attorney of your own choosing at your earliest convenience. If you are unable to locate an attorney, you may wish to contact the EEOC, or apply to the appropriate court, since that court may appoint an attorney in appropriate circumstances under Section 706(f)(1) of Title VII, 41 U.S.C. 2000e-5(f)(1).

The files in this case are being returned to the EEOC's Baltimore Field Office. If you or your attorney have any questions concerning this matter or wish to inspect the investigative files, please feel free to address your inquiry to: Rosemarie Rhodes, Director, EEOC, 10 S. Howard St., 3rd Floor, Baltimore, MD 21201.

Sincerely,

John M. Gore
Acting Assistant Attorney General
Civil Rights Division

By:


Karen D. Woodard
Principal Deputy Chief
Employment Litigation Section

cc: Maryland Aviation Administration, BWI Airport Fire & Rescue
William C. Lindsey, Asst. Atty. General, MAA
Ms. Glynnis Watford, Statewide EEO Coord.
EEOC, Baltimore Field Office

EXHIBIT

4