

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

Tawanna P. Hagans v. Howard Lutnick

Hagans · No. 23-cv-1973-ABA · Decided March 17, 2026

SUMMARY

The United States District Court for the District of Maryland grants the defendant’s motion for summary judgment and denies the plaintiff’s cross-motion in an employment-discrimination and retaliation action. The plaintiff alleged that the Census Bureau denied her a promotion, issued poor performance reviews and AWOL charges, and removed her from federal service because of race, color, age, and protected activity. The court concluded that she failed to establish discrimination or pretext, while the defendant provided legitimate reasons for the challenged employment actions.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                       |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the District of Maryland                                                                                                                                                                                                                                                                                                                             |
| WRITING FOR THE COURT | Adam B. Abelson                                                                                                                                                                                                                                                                                                                                                                       |
| JURISDICTION          | United States District Court for the District of Maryland                                                                                                                                                                                                                                                                                                                             |
| DECIDED               | March 17, 2026                                                                                                                                                                                                                                                                                                                                                                        |
| DOCKET                | 23-cv-1973-ABA                                                                                                                                                                                                                                                                                                                                                                        |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                                                                                                 |
| PROCEDURAL POSTURE    | Cross-motions for summary judgment in an employment-discrimination and retaliation action brought by a federal employee.                                                                                                                                                                                                                                                              |
| STANDARD OF REVIEW    | Summary judgment is appropriate under Federal Rule of Civil Procedure 56 when there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The court views the evidence in the light most favorable to the nonmoving party, does not weigh evidence or make credibility determinations, and considers each cross-motion separately. |
| PRECEDENTIAL VALUE    | unpublished district court memorandum opinion                                                                                                                                                                                                                                                                                                                                         |
| PARTIES               | Tawanna P. Hagans v. Howard Lutnick, Secretary of Commerce                                                                                                                                                                                                                                                                                                                            |

TOPICS

- employment discrimination
- title vii
- age discrimination
- retaliation
- summary judgment

## PRACTICE AREAS

employment law

civil rights

federal employment law

civil procedure

## QUESTIONS PRESENTED

1. Whether Hagans produced sufficient evidence to establish or rebut the elements of her Title VII race and color discrimination claim based on failure to promote.
2. Whether Hagans produced sufficient evidence that the stated reason for denying her promotion was pretext for Title VII retaliation.
3. Whether Hagans established a prima facie case of race, color, or age discrimination based on her performance reviews, AWOL charges, and removal.
4. Whether Hagans produced sufficient evidence that the stated reason for her removal—being paid for time not worked—was pretext for discrimination or retaliation.
5. Whether Hagans was entitled to summary judgment on any of her claims.

## HOLDINGS

1. Hagans established a prima facie case of Title VII race and color discrimination concerning the failure to promote, but she failed to show that the employer's legitimate explanation—that the selected candidate was more qualified—was pretextual.
2. Assuming without deciding that Hagans established a prima facie retaliation case based on the denial of promotion, she failed to show that the employer's stated qualification-based reason was pretextual.
3. Hagans failed to establish a prima facie case of Title VII race or color discrimination or ADEA age discrimination based on her performance reviews, AWOL charges, and removal.
4. Assuming without deciding that Hagans established a prima facie retaliation claim based on her removal, she failed to rebut the legitimate, nonretaliatory reason for the removal.
5. Hagans's allegation that her supervisor suggested she retire to care for her grandchildren was insufficient to defeat summary judgment on her ADEA claim.

## KEY QUOTATIONS

*“there is no genuine dispute as to any material fact”* (Discussion II)

*“temporal proximity alone does not rebut [a defendant's] legitimate, and uncontested, ground of termination.”* (Discussion III.A.1)

*“The mere fact that they were of different races and Plaintiff's own belief of the existence of discrimination or retaliation is not adequate evidence of pretext”* (Discussion III.A.2)

## FACTUAL BACKGROUND

Hagans, an African American woman born in 1962, worked as a GS-12 budget analyst at the Census Bureau and sought a GS-13 position in 2020. She received poor performance reviews, was charged with AWOL and with receiving pay for time not worked, and was removed from federal service on January 25, 2021. She alleged that

the failure to promote her, performance evaluations, AWOL-related actions, and removal resulted from race, color, or age discrimination and retaliation for internal harassment and EEO complaints. The court found undisputed evidence supporting the employer's stated reasons, including performance deficiencies, attendance discrepancies, and the selection of a candidate viewed as more qualified.

## PROCEDURAL HISTORY

Hagans filed suit on July 24, 2023, asserting Title VII race and color discrimination, Title VII retaliation, and ADEA age discrimination. On May 13, 2024, the court dismissed certain failure-to-promote allegations as time-barred and dismissed an inadequately pleaded claim concerning a detail assignment. After discovery, Hagans moved for summary judgment and Lutnick cross-moved. The court denied Hagans's motion, granted Lutnick's motion, and directed entry of judgment for Lutnick.

## DISPOSITION

other

## CASES CITED

- Towne Mgmt. Corp. v. Hartford Acc. & Indem. Co., 627 F. Supp. 170, 172 (D. Md.)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248, 252
- Sedar v. Reston Town Ctr. Prop., LLC, 988 F.3d 756, 761
- Variety Stores, Inc. v. Wal-Mart Stores, Inc., Variety Stores, Inc. v. Wal-Mart Stores, Inc., 888 F.3d 651, 659
- Adickes v. S.H. Kress & Co., 398 U.S. 144, 157
- McDonnell Douglas Corp. v. Green, 411 U.S. 792
- Coleman v. Maryland Ct. of Appeals, 626 F.3d 187, 190, aff'd, 566 U.S. 30
- Mereish v. Walker, 359 F.3d 330, 334, 336-37
- Williams v. Giant Food Inc., 370 F.3d 423, 430
- Boyer-Liberto v. Fontainebleau Corp., 786 F.3d 264, 281
- EEOC v. Sears Roebuck & Co., 243 F.3d 846, 852
- DeJarnette v. Corning, Inc., 133 F.3d 293, 299
- Texas Dep't of Cmty. Affs. v. Burdine, 450 U.S. 248, 256
- Dennis v. Columbia Colleton Med. Ctr., Inc., 290 F.3d 639, 646
- University of Texas Southwestern Medical Center v. Nassar, 570 U.S. 338, 360
- Gross v. FBL Fin. Servs., Inc., 557 U.S. 167, 176
- White v. Seventh Jud. Cir. of Maryland, 846 F.2d 75 (4th Cir. 1988) (table)
- Goldberg v. Green, 836 F.2d 845, 848
- Dziwulski v. Mayor & City Council of Baltimore, Case No. 18-cv-277-DLB, 2020 WL 1034539, at \*11 (D. Md. Mar. 3, 2020)
- Simons v. Mi-Kee-Tro Metal Mfg., Inc., Case No. 18-cv-1270-PJM, 2019 WL 4143005, at \*5 (D. Md. Aug. 30, 2019)

- Gibson v. Old Town Trolley Tours of Washington, D.C., Inc., 160 F.3d 177, 182
- Giarola v. Com. of Va. Dep't of Gen. Servs., 753 F.2d 1281, 1287
- Ham v. Wash. Suburban Sanitary Com'n, 158 Fed. App'x 457, 475
- Warch v. Ohio Cas. Ins. Co., 435 F.3d 510, 514-15
- Loeb v. Textron, Inc., 600 F.2d 1003, 1013
- Jyachosky v. Winter, 343 F. App'x 871, 876
- Foreman v. Weinstein, 485 F. Supp. 2d 608, 615, aff'd, 258 F. App'x 584
- Reeves v. Sanderson Plumbing Prods., Inc., 530 U.S. 133, 148
- Haywood v. Locke, 387 F. App'x 355, 359-60
- Humphries v. CBOCS West, Inc., 474 F.3d 387, 405
- Lightner v. City of Wilmington, 545 F.3d 260, 265
- Jeffress v. Barnhart, Case No. 05-cv-2888-JFM, 2006 WL 1042367, at \*1 (D. Md. Apr. 18, 2006), aff'd, 216 F. App'x 316
- Sawada v. Potter, Case No. 06-cv-754-AMD, 2007 WL 9759280, at \*3 (D. Md. Feb. 9, 2007), aff'd, 294 F. App'x 36
- Birkbeck v. Marvel Lighting Corp., 30 F.3d 507, 511-12
- Smith v. Flax, 618 F.2d 1062, 1066