

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
VIRGINIA, CHARLOTTESVILLE DIVISION

Terrell v. UVA Health System

Terrell · No. 3:26-CV-00036 · Decided April 24, 2026

SUMMARY

The United States District Court for the Western District of Virginia dismissed without prejudice Kathy (also identified in the opinion as Kathey) Terrell’s Title VII, ADEA, and ADA claims against UVA Health System. The court held that she failed to adequately allege an adverse employment action, constructive discharge, or a sufficiently severe or pervasive hostile work environment, and also noted additional deficiencies in her allegations. The dismissal followed the court’s initial screening of her in forma pauperis complaint under 28 U.S.C. § 1915(e)(2)(B).

CASE DETAILS

COURT	United States District Court for the Western District of Virginia, Charlottesville Division
WRITING FOR THE COURT	Norman K. Moon
JURISDICTION	United States District Court for the Western District of Virginia, Charlottesville Division
DECIDED	April 24, 2026
DOCKET	3:26-CV-00036
DISPOSITION	dismissed
PROCEDURAL POSTURE	After granting Plaintiff leave to proceed in forma pauperis, the district court conducted the required initial screening of her Title VII, ADEA, and ADA complaint and dismissed it without prejudice for failure to state a claim.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2)(B), an in forma pauperis complaint may be dismissed sua sponte if frivolous, malicious, or failing to state a claim. The failure-to-state-a-claim inquiry applies the same standard as Federal Rule of Civil Procedure 12(b)(6): the complaint must contain enough factual matter to state a facially plausible claim, with well-pleaded factual allegations accepted as true and reasonable inferences drawn in the plaintiff’s favor.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion and order

TOPICS

motions to dismiss

employment discrimination

title vii

age discrimination

ada / disability

PRACTICE AREAS

employment law

civil rights

employment discrimination

civil procedure

QUESTIONS PRESENTED

1. Whether the complaint stated Title VII, ADEA, or ADA disparate-treatment claims when the plaintiff alleged criticism, administrative leave, and a voluntary resignation but did not adequately plead a qualifying adverse employment action.
2. Whether the complaint stated Title VII, ADEA, or ADA hostile-work-environment claims based primarily on criticism of the plaintiff's work performance.
3. Whether the complaint was subject to dismissal under 28 U.S.C. § 1915(e)(2)(B) for failure to state a claim.

HOLDINGS

1. The complaint failed to state disparate-treatment claims under Title VII, the ADEA, or the ADA because Terrell did not adequately plead an adverse employment action. Her two-day administrative leave, even assuming it qualified as an adverse action, was the basis of claims filed outside the applicable 300-day Title VII limitations period, and her resignation was voluntary rather than a constructive discharge.
2. The complaint failed to state hostile-work-environment claims under Title VII, the ADEA, or the ADA because the alleged criticism of Terrell's performance was not alleged to be discriminatory and was neither severe nor pervasive enough to alter the conditions of employment or create an abusive working environment.
3. Dismissal without prejudice was required because the complaint failed to state a claim as a matter of law under 28 U.S.C. § 1915(e)(2)(B).

KEY QUOTATIONS

“To survive this stage, a plaintiff’s complaint must allege “enough facts to state a claim to relief that is plausible on its face.”” (Section I)

“To overcome this general rule, a plaintiff who resigned must show that she was constructively discharged.” (Section III.A)

“The severe or pervasive conduct giving rise to an abusive work environment must be objectively and subjectively “hostile” and “abusive.”” (Section III.B)

FACTUAL BACKGROUND

Terrell, a 66-year-old African American woman, worked for UVA Health System as a customer service representative from April 2024 until she resigned in May 2025. Her supervisor criticized her performance,

placed her on administrative leave, and warned that she could be terminated if her performance did not improve; Terrell alleged that younger or white employees were treated more favorably in some respects. She later took short-term disability leave, received an erroneous email indicating that she would be terminated, was told the email resulted from a misunderstanding, and resigned rather than returning to work. She did not identify the nature of her medical condition or allege facts connecting it to discrimination.

PROCEDURAL HISTORY

Terrell filed an employment-discrimination complaint against UVA Health System and moved to proceed in forma pauperis. The court granted IFP status and screened the complaint under 28 U.S.C. § 1915(e)(2)(B), applying the Rule 12(b)(6) standard. The court concluded that the complaint failed to state disparate-treatment or hostile-work-environment claims and dismissed the action without prejudice, administratively closing the case.

DISPOSITION

dismissed

CASES CITED

- *Eriline Co. S.A. v. Johnson*, 440 F.3d 648, 656 (4th Cir.)
- *Michau v. Charleston Cnty.*, 434 F.3d 725, 728 (4th Cir.)
- *Minter v. Clarke*, 2022 WL 4537904, at *3 (E.D. Va. Sep. 12, 2022)
- *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555, 570 (2007)
- *Kensington Volunteer Fire Dep't, Inc. v. Montgomery Cnty.*, 684 F.3d 462, 467 (4th Cir.)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 679 (2009)
- *Perkins v. Int'l Paper Co.*, 936 F.3d 196, 207 (4th Cir.)
- *Westmoreland v. TWC Admin. LLC*, 924 F.3d 718, 725 (4th Cir.)
- *Gross v. FBL Fin. Servs., Inc.*, 557 U.S. 167, 180 (2009)
- *Jacobs v. N.C. Admin. Off. of the Courts*, 780 F.3d 562, 572 (4th Cir.)
- *EEOC v. Stowe-Pharr Mills, Inc.*, 216 F.3d 373, 377 (4th Cir.)
- *Gentry v. E. W. Partners Club Mgmt. Co.*, 816 F.3d 228, 236 (4th Cir.)
- *Credle v. Virginia Cmty. Coll. Sys.*, 2025 WL 27827, at *7 (E.D. Va. Jan. 3, 2025), *aff'd*, No. 25-1072, 2026 WL 509313 (4th Cir. Feb. 24, 2026)
- *Hughes v. Navy Fed. Credit Union*, 2012 WL 32404, at *8 (E.D. Va. Jan. 4, 2012)
- *Satterfield v. City of Chesapeake, Va.*, 2021 WL 4812452, at *7 (E.D. Va. Oct. 14, 2021)
- *Evans v. Davie Truckers, Inc.*, 769 F.2d 1012, 1014 (4th Cir.)
- *Rizvi v. Loudoun Cnty. Sch. Bd.*, 2025 WL 3514256, at *9 n.28 (E.D. Va. Dec. 5, 2025)
- *Ofoche v. Apogee Med. Grp., Virginia, P.C.*, 815 F. App'x 690, 692 (4th Cir.)
- *Green v. Brennan*, 578 U.S. 547, 555 (2016)
- *Carter v. Ball*, 33 F.3d 450, 459 (4th Cir.)
- *Meritor Sav. Bank, FSB v. Vinson*, 477 U.S. 57, 65-67 (1986)

- *McIver v. Bridgestone Americas, Inc.*, 42 F.4th 398, 407 (4th Cir.)
- *Okoli v. City of Baltimore*, 648 F.3d 216, 220 (4th Cir.)
- *Brackney-Wheelock v. City of Charlottesville*, 652 F. Supp. 3d 603, 628 (W.D. Va.)
- *Harris v. Forklift Sys., Inc.*, 510 U.S. 17, 21-22 (1993)
- *Boyer-Liberto v. Fontainebleau Corp.*, 786 F.3d 264, 277 (4th Cir.)
- *Faragher v. City of Boca Raton*, 524 U.S. 775, 788 (1998)
- *Spriggs v. Diamond Auto Glass*, 242 F.3d 179, 182-84 (4th Cir.)

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