

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
VIRGINIA, ALEXANDRIA DIVISION

Maria A. Spassova-Nikolova v. Brooke L. Rollins, in her capacity as
Secretary of Agriculture

Spassova-Nikolova · No. 1:22-cv-1361 (RDA/JFA) · Decided January 14, 2026

SUMMARY

The United States District Court for the Eastern District of Virginia granted the Secretary of Agriculture’s motion to dismiss Maria A. Spassova-Nikolova’s Second Amended Complaint. The court held that the complaint failed to plausibly allege exhausted ADEA discrimination, hostile work environment, or retaliation claims, and dismissed the action with prejudice.

CASE DETAILS

COURT	United States District Court for the Eastern District of Virginia, Alexandria Division
WRITING FOR THE COURT	Rossie D. Alston, Jr.
JURISDICTION	United States District Court for the Eastern District of Virginia, Alexandria Division
DECIDED	January 14, 2026
DOCKET	1:22-cv-1361 (RDA/JFA)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss Plaintiff's Second Amended Complaint alleging age discrimination, hostile work environment, and retaliation under the ADEA. The court granted the motion and dismissed the action with prejudice.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true and determines whether the complaint contains sufficient factual matter to state a claim for relief that is plausible on its face. Legal conclusions, unwarranted inferences, unreasonable conclusions, and labels are not accepted as true. Pro se pleadings are construed liberally, but the court does not act as the plaintiff's advocate.
PRECEDENTIAL VALUE	unknown

PARTIES

Maria A. Spassova-Nikolova v. Brooke L. Rollins, in her capacity as Secretary of Agriculture

TOPICS

age discrimination federal employee discrimination retaliation hostile work environment motions to dismiss

PRACTICE AREAS

employment law federal employment law civil rights civil procedure

QUESTIONS PRESENTED

1. Whether Plaintiff's ADEA claims based on conduct occurring more than 180 days before her notice to the EEOC were timely exhausted.
2. Whether Plaintiff plausibly alleged discrete age discrimination under the ADEA.
3. Whether Plaintiff plausibly alleged an age-based or retaliatory hostile work environment.
4. Whether Plaintiff plausibly alleged ADEA retaliation, including a causal connection between protected activity and materially adverse employment action.

HOLDINGS

1. A federal employee proceeding under 29 U.S.C. § 633a(d) must provide written notice to the EEOC within 180 days of the alleged discriminatory act. Because Plaintiff's earliest alleged notice date was July 21, 2022, the January 7, 2022 Letter of Reprimand fell outside the 180-day period and could not support an ADEA claim.
2. Plaintiff failed to state a plausible ADEA age-discrimination claim because her allegations that she was harassed, that older workers were replaced by younger workers, and that managers favored younger employees were conclusory and lacked factual allegations connecting a decision-maker's actions to age-based bias.
3. Plaintiff failed to state either an age-based or retaliatory hostile-work-environment claim because she did not plausibly allege that the conduct was because of age or retaliation, or that the conduct was sufficiently severe or pervasive to alter the conditions of employment.
4. Plaintiff failed to state an ADEA retaliation claim because she did not plausibly allege that her protected ADEA activity was the but-for cause of the challenged adverse actions.

KEY QUOTATIONS

"To survive a 12(b)(6) motion, "a complaint must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'"

"Thus, Plaintiff cannot establish that any complained of action was because of her protected activity, where the disciplinary actions of which she complains began before any protected activity took place."

“In sum, Plaintiff has failed to state any plausible claim for relief. Moreover, it appears that further amendment is futile.”

FACTUAL BACKGROUND

Plaintiff, a 56-year-old USDA employee, alleged that older employees were harassed or forced to leave and replaced by younger employees, and that she experienced several disciplinary and performance-related actions during 2022. She alleged that she complained of age discrimination in June 2022 and contacted the USDA EEO office in July 2022. She also referenced and incorporated an MSPB decision that found misconduct and failure to follow instructions, upheld the penalty, and rejected her whistleblower-reprisal claim.

PROCEDURAL HISTORY

Plaintiff initially sued the USDA, FSIS, and several individuals, but the court dismissed the original complaint because the Secretary of Agriculture was the only proper defendant and had not been named. After permitting amendment, the court dismissed the Amended Complaint and gave Plaintiff one final opportunity to amend. Plaintiff filed a Second Amended Complaint, Defendant moved to dismiss, and the court granted the motion, concluding that Plaintiff failed to plead plausible ADEA discrimination, hostile-work-environment, or retaliation claims and that further amendment appeared futile.

DISPOSITION

dismissed

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 545, 555, 570 (2007)
- Goines v. Valley Community Services Board, 822 F.3d 159, 165 (4th Cir. 2016)
- Hall v. Burney, 454 F. App'x 149, 150 (4th Cir. 2011)
- Edwards v. City of Goldsboro, 178 F.3d 231, 243 (4th Cir. 1999)
- E. Shore Markets, Inc. v. J.D. Associates Ltd. Partnership, 213 F.3d 175, 180 (4th Cir. 2000)
- Linlor v. Polson, 263 F. Supp. 3d 613, 618 (E.D. Va. 2017)
- Goldfarb v. Mayor & City Council of Baltimore, 791 F.3d 500, 508 (4th Cir. 2015)
- DePaola v. Clarke, 884 F.3d 481, 486 (4th Cir. 2018)
- United States v. Wilson, 699 F.3d 789, 797 (4th Cir. 2012)
- Tickles v. Johnson, 805 F. App'x 204, 207-08 (4th Cir. 2020)
- Bostron v. Apfel, 104 F. Supp. 2d 548, 554-55 (D. Md. 2000), aff'd, 2 F. App'x 235 (4th Cir. 2001)
- Meacham v. Knolls Atomic Power Laboratory, 554 U.S. 84, 100 (2008)
- Hazen Paper Co. v. Biggins, 507 U.S. 604, 611 (1993)
- Bass v. E.I. DuPont de Nemours & Co., 324 F.3d 761, 765 (4th Cir. 2003)
- Causey v. Balog, 162 F.3d 795, 801 (4th Cir. 1998)

- Powell v. Nash Edgecombe Economic Development, Inc., 2021 WL 1736894, at *4 (E.D.N.C. May 3, 2021)
- Cosby v. S.C. Probation, Parole, & Pardon Serv., 93 F.4th 707, 716 (4th Cir. 2024)
- Laurent-Workman v. Wormuth, 54 F.4th 201, 218 (4th Cir. 2022)
- Harris v. Forklift Systems, Inc., 510 U.S. 17, 21 (1993)
- Hemphill v. ARAMARK Corp., 2014 WL 1248296, at *14 (D. Md. Mar. 25, 2014), aff'd, 582 F. App'x 151 (4th Cir. 2014)
- Brady v. Board of Education, 222 F. Supp. 3d 459, 473 (D. Md. 2016), aff'd, 707 F. App'x 780 (4th Cir. 2018)
- Graham v. Prince George's County, 191 F. App'x 202, 204-05 (4th Cir. 2006)
- E.E.O.C. v. Sunbelt Rentals, Inc., 521 F.3d 306, 316 (4th Cir. 2008)
- Evans v. International Paper Co., 936 F.3d 183, 195 (4th Cir. 2019)
- University of Texas Southwestern Medical Center v. Nassar, 570 U.S. 338, 362 (2013)
- McDougald v. Quad/Graphics, Inc., 2017 WL 6333772, at *4 (E.D. Va. Dec. 11, 2017)
- Groth v. Nakasone, 2019 WL 3254602, at *12 (D. Md. July 18, 2019)
- Francis v. Booz Allen & Hamilton, Inc., 452 F.3d 299, 309 (4th Cir. 2006)
- Feldman v. Law Enforcement Associates Corp., 752 F.3d 339, 349 (4th Cir. 2014)
- Tun-Cos v. Perrotte, 922 F.3d 514, 528 (4th Cir. 2019)
- United States v. McKeon, 738 F.2d 26, 31 (2d Cir. 1984)
- Melendez v. Board of Education for Montgomery County, 711 F. App'x 685, 688 (4th Cir. 2017)
- Tankesley v. Vidal, 2023 WL 4273763, at *26 (E.D. Va. June 29, 2023)
- Campbell v. Wolf, 2023 WL 4552760, at *6 (W.D.N.C. July 14, 2023)
- Bowe-Connor v. Shinseki, 923 F. Supp. 2d 1, 8 (D.D.C. 2013)