

State of Maryland  
State Labor Relations Board

In the matter of:	)	
Randy Alan Abrams,	)	SLRB ULP Case No. 12-U-06
	)	
Petitioner,	)	
	)	
v.	)	
	)	
Jennifer Brogan on behalf of	)	
Sterling Jewelers,	)	
	)	
Respondent.	)	

Board Dismissal for Failure to State a Claim under Board Law or Regulations,  
& Lack of Jurisdiction

On March 19, 2012, Petitioner Randy Alan Abrams filed a complaint before the State Labor Relations Board (“Board”), pursuant to COMAR 14.32.05. In his complaint, Mr. Abrams alleged that the above named Respondent had fired him for failing to return to work after medical care, and for failing to provide an updated Disability Certificate extending his leave of absence.

Petitioner’s complaint is deficient in two respects. First, Petitioner fails to state a claim under the State Personnel and Pension Article §3-306, or under corresponding Board regulations at COMAR 14.32.05, upon which relief may be appropriately granted. Third, Petitioner’s complaint fails to demonstrate the Respondent is an agency, department or branch of any of the units of state government described in State Personnel & Pension Article §3-101(a)(1) through (4).

Accordingly, this complaint is dismissed, because of failure to state a claim under State law or regulations, and lack Board of jurisdiction to consider the complaint.

Please note that the State Labor Relations Board’s jurisdiction is confined to certain labor/employment claims of individuals employed by the State of Maryland.

If there are any further questions regarding the above, please feel free to contact Joseph K. Pokempner, Esq., the Assistant Attorney General for the State Labor Relations Board. He may be reached at (410) 576-6962.

Issue Date: 4/11/12

Glen Burnie, Maryland

**For The State Labor Relations Board:**



Sherry Mason, Member



Laird Patterson, Member



Susie Jablinske, Member



June Marshall, Member



LeRoy Wilkison, Member

APPEAL RIGHTS

Any party aggrieved by this action of the SLRB may seek judicial review in accordance with Title 10, Subtitle 2 of the State Government Article, Annotated Code of Maryland, Sec. 10-222 (Administrative Procedure Act—Contested Cases), and Maryland Rules CIR CT Rule 7-201 *et seq.* (Judicial Review of Administrative Agency Decisions).

## Certificate of Service

It is hereby certified that the attached Board Dismissal for Failure to State a Claim Under Board Law or Regulations & Lack of Jurisdiction in SLRB Case No. 12-U-06 was sent (via U.S. Mail) to the following parties on this 11 day of April, 2012.

### Petitioner

Randy Alan Abrams  
11764 Split Tree Circle  
Potomac, MD 20854

### Respondent

Jennifer Brogan  
375 Ghent Road  
Akron, OH 44333

Christina M. Janice, Esq.  
Director, HR Compliance Services  
Sterling Jewelers, Inc.  
375 Ghent Road  
Akron, OH 44333

### Counsel and/or Representative

Joseph K. Pokempner, Esq.  
Assistant Attorney General &  
State Labor Relations Board Counsel  
200 St. Paul Place  
Baltimore, MD 21202-2021



Erica L. Snipes, Executive Director  
Maryland State Labor Relations Boards  
*State Labor Relations Board*