

Circuit Court for Baltimore City
Case No.: C-24-CV-24-001792

UNREPORTED*

IN THE APPELLATE COURT
OF MARYLAND

No. 2451

September Term, 2024

IN THE MATTER OF
VICKIE DOY-SCOTT

Reed,
Shaw,
Harrell, Glenn T., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: December 3, 2025

*This is a per curiam opinion. Under Rule 1-104, the opinion is not precedent within the rule of stare decisis, nor may it be cited as persuasive authority.

In August 2022, appellee the Board of Trustees (“the Board”) of the Maryland State Retirement and Pension System (“the Pension System”) denied appellant Vickie Doy-Scott’s claim for disability retirement benefits. An administrative law judge (“ALJ”) at the Office of Administrative Hearings (“OAH”) upheld the Board’s denial. Doy-Scott then petitioned for judicial review in the Circuit Court for Baltimore City, which affirmed the ALJ’s decision. Doy-Scott appealed, and, for the reasons below, we too shall affirm.

BACKGROUND

Doy-Scott was a paraprofessional educator for Prince George’s County Public Schools, where she primarily worked in a program for young children with autism. In 2017, Doy-Scott fell to the floor when her chair collapsed during a work training session, injuring her right shoulder, left hip, and left knee. Then, in 2019, she tripped and fell on pavement while walking into work, injuring her right knee and cervical spine. Finally, in March 2021, Doy-Scott applied for accidental disability, alleging that she was permanently incapacitated for the further performance of her position due to injuries she sustained from these accidents. She listed her disabling condition as suffering from a “knee injury, hip and foot injury, back injury and . . . shoulder injury and [a]rthritis and swelling all over.”

As part of her application, Doy-Scott also submitted a medical report from her primary care physician. The report suggested that Doy-Scott’s prognosis was “[f]air” but ultimately concluded that she was permanently disabled because she “cannot handle a young child who may overpower this middle-aged to elderly morbidly obese female.” Upon receiving Doy-Scott’s application, the medical board referred her for an independent medical examination (“IME”) with an orthopedist, Dr. Kevin Hanley. After reviewing the

IME along with Doy-Scott’s application and supplemental records, the medical board recommended denying any disability benefits because Doy-Scott was not permanently incapacitated for the further performance of her job duties. The Board accepted this recommendation.

At the evidentiary hearing before the ALJ, Doy-Scott testified on her own behalf and offered no other witnesses. She asserted that her work with children imposed physical demands on her and that her physical limitations—which she attributed to the 2017 and 2019 accidents—make her unable to perform her job. Doy-Scott also alleged that Dr. Hanley did not perform a proper physical examination of her and did not review all her medical records when he made his determination.

The Board called Dr. Hanley as an expert witness to refute Doy-Scott’s claims. He testified extensively about Doy-Scott’s injuries and explained that, in his expert opinion, Doy-Scott could continue performing her job duties, particularly with some reasonable work accommodations. The Board also produced evidence that it had offered to Doy-Scott the option to request such accommodations, but she had refused. Dr. Hanley further explained that, although he did not have Doy-Scott’s medical records at the time of her physical examination, he obtained and reviewed them afterwards.

In a written decision, the ALJ ultimately upheld the Board’s denial, concluding that Doy-Scott had failed to meet her burden of proving total and permanent incapacitation for the further performance of her duty as a paraprofessional educator. The circuit court affirmed, and this appeal followed.

STANDARD OF REVIEW

In reviewing an administrative appeal, we look through the judicial proceedings and evaluate the agency’s decision. *Motor Vehicle Admin. v. Carpenter*, 424 Md. 401, 413 (2012). For findings of fact, this review is highly deferential. *Kor-Ko Ltd. v. Md. Dep’t of Env’t*, 451 Md. 401, 412 (2017). Our review “is limited to determining if there is substantial evidence in the record as a whole to support the agency’s findings and conclusions[.]” *Carpenter*, 424 Md. at 412 (cleaned up). This standard requires only enough evidence that a “reasoning mind reasonably could have reached the factual conclusion reached by the agency.” *Comptroller v. FC-GEN Operations Invs. LLC*, 482 Md. 343, 359 (2022) (cleaned up).

DISCUSSION

The Pension System uses a two-tiered disability-retirement structure for its members: ordinary disability and accidental disability. *See* Md. Code Ann. State Pers. & Pens. (“SPP”) §§ 29-105 & 29-109. Before the Board can grant either form of disability retirement, the medical board must first certify that:

- (i) The member is mentally or physically incapacitated for the further performance of the normal duties of the member’s position;
- (ii) The incapacity is likely to be permanent; and
- (iii) The member should be retired.

SPP §§ 29-105(a)(2) & 29-109(b)(2).

Causation is not a consideration for awarding ordinary disability. *See* SPP § 29-105. To be eligible for accidental disability, however, claimants must establish that they are

“totally and permanently incapacitated for duty as the natural and proximate result of an accident that occurred in the actual performance of duty at a definite time and place[.]” SPP § 29-109(b)(1). If the Board denies a claim for disability benefits, the claimant bears the burden of proof on appeal to OAH. *See* COMAR 22.06.06.02E(1).

Here, the ALJ concluded that Doy-Scott had failed to meet her burden of proving total and permanent incapacitation for the further performance of her duty as a paraprofessional educator. The ALJ relied heavily on Dr. Hanley’s testimony as the only expert witness and accepted his conclusion that the objective medical evidence indicated that Doy-Scott’s discomfort was caused by chronic degenerative processes and that she was not permanently disabled from the actual performance of her work duties. In rejecting Doy-Scott’s arguments, the ALJ observed that she had not offered any evidence that showed that the 2017 and 2019 accidents were a substantial contributing factor or cause of her alleged disability. Indeed, the medical records Doy-Scott offered on her own behalf revealed that her knee pain was chronic and secondary to a non-work accident. The ALJ also noted that the report from Doy-Scott’s primary care physician suggested a fair prognosis and that her condition could improve with weight loss, which was inconsistent with a finding of permanent incapacitation. Finally, the ALJ also considered the fact that Doy-Scott returned to work following the 2017 and 2019 accidents and disregarded encouragement by her employer to apply for an accommodation.

On appeal, Doy-Scott repeats her factual claims, arguing primarily that Dr. Hanley did not review all her medical records. But “[i]t is not our role to retry the case.” *Smith v. State*, 415 Md. 174, 185 (2010). “Because the fact-finder possesses the unique opportunity

to view the evidence and to observe first-hand the demeanor and to assess the credibility of witnesses during their live testimony, we do not re-weigh the credibility of witnesses or attempt to resolve any conflicts in the evidence.” *Id.* Doy-Scott does not point to anything in the record that shows that the ALJ’s factual findings were clearly erroneous.

In short, the ALJ concluded that Doy-Scott was not totally and permanently incapacitated for the further performance of her duty as a paraprofessional educator. This conclusion was based on the expert testimony and documentary evidence from the Board—which the ALJ found credible—as well as Doy-Scott’s own documentary evidence, which undercut her testimony. The decision was, therefore, supported by substantial evidence. Consequently, the ALJ did not err in upholding the Board’s denial of Doy-Scott’s application.

JUDGMENT OF THE CIRCUIT COURT FOR BALTIMORE CITY AFFIRMED. COSTS TO BE PAID BY APPELLANT.