

ELIZABETH THATCHER,

Appellant

v.

HARFORD COUNTY BOARD  
OF EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR24-19

ORDER

The Appellant challenges the decision of the Harford County Board of Education (“local board”) regarding the percentage of the employer contribution for her retiree health insurance benefits. The Appellant was employed with Harford County Public Schools (“HCPS”) from 1988 – 2002, and from 2007 until her retirement on July 1, 2024. The Appellant seeks to have her total 31 years of accumulated service at HCPS recognized for the purpose of calculating the employer contribution for her retiree health benefits, and not only her 2007 – 2024 years of service.

In its decision, issued May 24, 2024, the local board found that the Appellant had a break in service and that [a]ny rights which Appellant had in the retirement health insurance benefits during her first term of employment never vested because she did not retire from HCPS in 2002, she terminated her employment.” (R. 22). The local board stated:

The undisputed evidence in this record established that there was a break in service between Appellant’s two terms of employment. The first term expired after Appellant terminated her employment effective June 30, 2002. Appellant’s second term commenced with the execution of a new employment agreement [on] August 31, 2007 (“Second Term”). At the time of second term, the HCPS retirement policies, as established by the Board of Education in June 2006, created the tiered eligibility policy for employees hired after July 1, 2006. The same policy continues in effect and it was the policy in effect at the time that Appellant retired in 2024.

(R. 21-22).

The local board’s decision cited to *Bowling v. Harford Cnty. Bd. of Educ.*, MSBE Op. No. 23-10 (2023), in which the State Board considered “the question of aggregating years of service over multiple periods of employment and its impact on the HCPS contribution towards retiree benefits.” (R. 22). The appellant in *Bowling* was employed for two discrete periods of time with a break in employment service and sought to have her total accumulated years of service considered to determine the local board’s contribution for retiree health insurance. *Bowling*, MSBE Op. No. 23-10 at 9. The State Board recognized that the operative documents reserved the local board’s right to change its policy on calculating health care premiums, acknowledging that the local board’s “requirement that the service must be continuous controls and dictates that any break in service resets the service clock.” *Id.* Upon judicial review, the

Circuit Court for Harford County reversed the State Board’s decision, *In the Matter of Erin Bowling*, C-12-CV-23-000395, issued August 7, 2024. The local board has appealed the Circuit Court’s decision to the Appellate Court of Maryland. *In the Matter of Erin Bowling*, ACM-REG-1188-2024, filed August 16, 2024.

The Appellant has filed a motion to stay her State Board appeal because it involves similar facts as the *Bowling* case which is currently on appeal before the Appellate Court of Maryland. The local board neither consents nor opposes the request for stay but maintains that the *Bowling* case is not dispositive here.

Even though the Appellant is not a party to the *Bowling* litigation, the *Bowling* case involves the same local board policy, and similar facts and issues to the instant appeal. The outcome of the *Bowling* appeal could give guidance that would be beneficial to the State Board’s resolution of this appeal. Accordingly, because of the unique circumstances of substantially similar proceedings in the Appellate Court of Maryland and before the State Board, the State Board stays this appeal pending resolution of the *Bowling* case. *See Smiley v. Arizona Beverages*, 2024 WL 327044 \*2 (D. Md. Jan. 29, 2024) (principles of comity and judicial economy warrant the stay of the later-filed action, absent a showing that the balance of convenience favors the second action). The State Board desires to promote judicial efficiency by not proceeding with matters that are similar to the subject of ongoing litigation.

Therefore, it is this 22<sup>nd</sup> day of October 2024, by the Maryland State Board of Education,

ORDERED that the appeal referenced above is hereby stayed until such time that the *Bowling* appellate case is resolved.

MARYLAND STATE BOARD OF EDUCATION

Signature on File:

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Joshua L. Michael  
President