

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

BETH BOARDMAN

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v.

Civil No. – JFM-09-962

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UNITED PARCEL SERVICE GENERAL  
SERVICES CO.

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**MEMORANDUM**

Plaintiff, Beth Boardman, a former employee of the United Parcel Service General Services Company (“UPSGSC”), has filed this action for employment discrimination against UPSGSC. Plaintiff alleges that the termination of her employment was because of gender and age discrimination. Discovery has been completed, and UPSGSC has filed a motion for summary judgment.

Boardman has filed an extensive memorandum in opposition to UPSGS’s motion. Nevertheless, the issues presented are quite clear, and only a brief memorandum stating the reasons for my decision granting UPSGSC’s motion is needed.

By her own admission, as reflected in her deposition testimony, Boardman was considered to be an employee whose performance did not meet acceptable standards by the beginning of 2006.<sup>1</sup> (Boardman dep. at 115-116, 145, 162-63, 181-82; 218-21, 237, 253, 287-88, 410-17,

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<sup>1</sup> During earlier periods, although Boardman received satisfactory performance appraisals, she was not considered to be an entirely satisfactory employee. I make note of this fact not because I rely upon it in upholding UPSGS’s decision to terminate Boardman’s employment but only because Isabel Sly, who was Boardman’s supervisor during most of 2005, was prepared to place Boardman on a formal Performance Improvement Plan and then terminate her employment if her performance did not improve. (Sly dep. at 7). Ms. Sly is not only female but also over 55 years old. Her evaluation of Boardman undercuts Boardman’s contention that the decision to terminate her employment was prompted by an anti-female prejudice held by Alp Kayabasi, who was in the supervisory chain over Boardman and who was involved in the decision to terminate her employment. Kayabasi is of Turkish descent and a Muslim. Simply put, Boardman’s attack upon him is offensive, stereotypical, and without merit. The record reflects that not only did Ms. Sly find Ms. Boardman’s performance to be unacceptable, so did Carole McBride, who assigned by

560-61, 616-18).

Boardman's performance in the eyes of UPSGC continued to be unsatisfactory throughout 2006 and 2007. On October 16, 2007, she was placed on a formal Performance Improvement Program. Although a copy of the program itself was not given to Boardman, she was warned that she had been placed upon it and that unless her work performance improved over the next 30 days, her employment would be terminated. (Boardman dep. at 309-11). During the ensuing review period, daily status reports and weekly meetings were held with Boardman to review her performance. She did not receive satisfactory ratings and was told that she was not making the required progress. (Boardman dep. at 115-166, 188, 223-24, 299-300). Before her employment was terminated, Boardman's status was independently reviewed by UPSGS' Corporate Human Resources department, and the conclusion was reached that because Boardman's performance was deemed to be unsatisfactory, and because she had failed to address her performance issues after being given a fair opportunity to do so, the termination of her employment was justified. Her employment was terminated on December 6, 2007.

On these facts it is clear that Boardman cannot make out a *prima facie* case of discrimination because she cannot establish that she was meeting the legitimate expectations of her employer. *See, e.g. White v. BFI Waste Services, LLC*, 375 F.3d 288, 295 (4th Cir. 2004); *Warch v. Ohio Cas. Ins. Co.*, 435 F.3d 510, 513 (4th Cir. 2006). Moreover, assuming that Boardman had made out a *prima facie* case, she has not established that the reason articulated by UPSGS for the termination of her employment, her unsatisfactory work performance, was pretextual. *See, e.g., St. Mary's Honor Ctr. v. Hicks*, 509 US 502, 510-11 (1993); *Reeves v. Sanderson Plumbing Prods., Inc.*, 530 US 133, 136 (2000).

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Kayabasi to train and manage Boardman and evaluate her job performance. Furthermore, the record also reflects that Kayabasi had a good working relationship with a number of female employees and has recommended or approved older female employees for promotion and advancement. (Boardman dep. At 96-99; Wisel Aff. ¶ 4.



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ORDER

For the reasons stated in the accompanying memorandum, it is, this 31st day of August 2010

ORDERED

1. Defendant's motion for summary judgment is granted; and
2. Judgment is entered in favor of defendant against plaintiff.

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/s/  
J. Frederick Motz  
United States District Judge