Circuit Court for Baltimore City
Case No. 24-C-22-001626

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1122

September Term, 2022

IN THE MATTER OF THE PETITION OF
ERIC A. PAYTON

Zic,
Ripken,
Getty, Joseph, M.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Zic, J.

Filed: March 4, 2024

* This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Rule 1-104(a)(2)(B).

This case arises from a motor vehicle collision involving appellant Eric A. Payton, a Baltimore City police officer. The collision occurred on November 4, 2021, while Mr. Payton was driving to his shift at the Northeast District Police Station. Mr. Payton filed a workers' compensation claim, which was heard before the Workers' Compensation Commission (the "Commission") on February 22, 2022. The Commission determined Mr. Payton's injuries were not compensable under the Maryland Workers' Compensation Act (the "Act") because he was not working at the time of the collision.

Mr. Payton appealed to the Circuit Court for Baltimore City. Appellee Baltimore City (the "City") argued Mr. Payton's injuries did not arise in the course of his employment because his drive from his home to the Northeast District Police Station on the night of the collision was simply a commute under the so called "going and coming" rule. Mr. Payton argued the going and coming rule did not apply, or alternatively, that the dual purpose, special errand, and free transportation exceptions to the going and coming rule applied and, therefore, that his injuries were compensable under the Act.

Both parties moved for summary judgment. The circuit court granted the City's motion, finding that Mr. Payton was not working when the collision occurred and that his injuries were not compensable under the Act. Mr. Payton timely appealed.

QUESTIONS PRESENTED

Mr. Payton presents the following questions for our review, which we have slightly altered:

1. Did the circuit court err as a matter of law in failing to grant [Mr. Payton's] Motion for Summary Judgment as to the application of the exceptions to the going and coming rule?

2. Did the circuit court err in granting the [City]'s Motion for Summary Judgment where a question of material fact was at issue concerning the special errand exception and dual purpose exception to the going and coming rule?

For the reasons that follow, we answer the first question in the negative, decline to address the second question, and affirm the circuit court's judgment.

BACKGROUND

Collision on November 4, 2021

On November 4, 2021, sometime between 10:20 p.m. and 10:30 p.m., Mr. Payton arrived at the Northeast District Police Station and clocked in to work using an application on his phone, while he was in the parking lot. His shift was scheduled to begin at 10:39 p.m. While changing into his uniform still in the precinct parking lot, Mr. Payton realized he had forgotten his assigned police radio at home. He informed his supervisor, Sergeant Garcia, that he had left his radio at home, and he received permission from her to return home in his personal vehicle and retrieve the radio. Mr. Payton did not inform Sergeant Garcia that he had already punched in to work.

On his drive back to work with his radio, at 11:41 p.m., Mr. Payton was involved in a motor vehicle collision, which resulted in severe injuries to his right leg, neck, chest,

ribs, lungs, left leg, head, right ear, face, and sternum. He subsequently underwent extensive treatment, including multiple surgeries, for these injuries. Mr. Payton still receives medical treatment and therapy for an "open reduction," an "internal fixation of a fractured tibia," a "cervical fusion at C5 through T1," and a "laminectomy at [C6] through [C7]." The accident occurred in the Northeastern District that Mr. Payton was assigned to patrol.

Hearing Before the Workers' Compensation Commission on February 22, 2022

Mr. Payton filed a workers' compensation claim, which was heard before the Commission on February 22, 2022. At the hearing, Mr. Payton testified that: he punched in early to his 10:39 p.m. shift; realized he had forgotten his radio; and called Sergeant Garcia, who permitted him to return home in his personal vehicle and retrieve the radio. Mr. Payton and the City also recited a stipulation before the Maryland Workers' Compensation Commission. The stipulation stated that although Baltimore police officers frequently punch in early, they are not paid until their shifts officially begin at 10:39 p.m.:

> [COUNSEL FOR MR. PAYTON]: It's common -- the stipulation would further read, it's common to punch in before your shift starts at 10:39 p.m., but you don't get paid as an officer until your shift begins.
>
> In other words, a lot of officers punch in ahead of time because they can remotely from outside, but they don't get that credit, you know, for that time period from the point you punch in to the point that you start at 10:39 p.m.

Moreover, Mr. Payton stipulated that shifts at the Baltimore Police Department ("BPD") do not begin until roll call begins at 10:39 p.m., at which time the officers must

report to their sergeant with their necessary equipment, including weapons, handcuffs, radios, and mace.

During roll call, the sergeant inspects the officers' uniforms and equipment before authorizing them to begin their shifts. The Department's policies require all officers to attend roll call and check in with the sergeant to officially begin the shift. During cross-examination, Mr. Payton confirmed he missed roll call on the night of his collision. Mr. Payton also agreed that, but for the accident, he would have returned to the precinct, reported to his sergeant, and been assigned a police cruiser for use during his shift. Furthermore, Mr. Payton stipulated that his radio was "an essential piece of equipment that's required to do the job, and it's required to report to roll call with all essential equipment." During cross-examination, Mr. Payton reiterated that his radio was "one of the pieces of required equipment" to perform his employment duties.

Mr. Payton argued his injuries arose out of his employment because: he punched in to work before the collision; he was in uniform; he had all his essential police equipment, including his gun belt, weapon, handcuffs, radio, and mace, with him when the accident occurred; and he would have responded to calls if he had received any because he was driving through his assigned district.

The City argued Mr. Payton's collision occurred while he was merely commuting to work. The City specifically noted that Mr. Payton did not attend roll call or otherwise report to his sergeant for a uniform and equipment inspection before the collision because he did not have his radio with him at the time.

The Commission determined that Mr. Payton's injuries did not arise out of his employment and, therefore, Mr. Payton's accident was not compensable under the Act.

Appeal to the Circuit Court for Baltimore City

Mr. Payton appealed to the circuit court for judicial review of the Commission's decision. Both parties moved for summary judgment. Mr. Payton and the City stipulated to the facts before the circuit court.[1] Mr. Payton claimed that the dual purpose exception, the special errand exception, and the free transportation exception to the going and coming rule apply. The City argued that none of these exceptions apply in this case because Mr. Payton's entire trip from his home to the Northeast District Police Station constituted a mere extension of his typical commute under the going and coming rule.

The circuit court determined that Mr. Payton was not on duty at the time of the collision and thus, his injuries were not compensable under the Act. Mr. Payton then timely appealed.

STANDARD OF REVIEW

"Our workers'-compensation statute gives a party aggrieved by a decision of the Workers' Compensation Commission a choice of appellate strategies." *Montgomery County v. Maloney*, 245 Md. App. 369, 379 (2020) (citing *Bd. of Educ. for Montgomery County v. Spradlin*, 161 Md. App. 155, 166 (2005) (cleaned up)). "First, the party may

[1] In response to the circuit court judge confirming that the facts were stipulated, Mr. Payton's counsel stated:

> I agree if I win. If I lose, I would argue that I should have had a jury determine the facts. But the facts are pretty all stipulated to, I think, both at the Commission and here.

request, under Lab. & Empl. § 9-745(c) and (e), a 'routine' administrative appeal, in which the circuit court 'reviews the record of the proceeding before the Commission and decides, purely as a matter of law, whether the Commission acted properly.'" *Maloney*, 245 Md. App. at 379-80 (quoting *Spradlin*, 161 Md. App. at 167). Or a party may request as an alternative, an "unadorned administrative appeal," where the "circuit court engages in fresh, *de novo* fact-finding." *Id.* at 380 (quoting *Spradlin*, 161 Md. App. at 167, 179) (cleaned up)). Here, the circuit court and parties engaged in a *de novo* trial. Accordingly, we review the decision of the circuit court rather than the administrative agency's decision. *McLaughlin v. Gill Simpson Electric*, 206 Md. App. 242, 252-53 (2012).

This Court reviews a trial court's grant of summary judgment *de novo*, focusing on "whether the trial court's decision was legally correct." *Bd. of Educ. of Harford County v. Sanders*, 250 Md. App. 85, 94 (2021) (citation omitted). Summary judgment should be granted if there is no genuine dispute as to any material fact. *Id*.

DISCUSSION

I. THE CIRCUIT COURT DID NOT ERR IN DENYING MR. PAYTON'S MOTION FOR SUMMARY JUDGMENT AND FINDING THAT HIS INJURIES WERE NOT COMPENSABLE UNDER THE ACT BECAUSE HIS INJURIES DID NOT ARISE OUT OF THE COURSE OF HIS EMPLOYMENT.

According to Mr. Payton, the circuit court erred in denying his Motion for Summary Judgment by applying the going and coming rule to incorrectly determine that he was not working at the time of the collision. Mr. Payton also argues the circuit court incorrectly found that the dual purpose exception, special errand exception, and free

transportation exception do not apply. The City argues the circuit court correctly applied the going and coming rule and correctly found that the exceptions do not apply because Mr. Payton was commuting to work when he sustained his injuries and, therefore, he is not entitled to workers' compensation benefits.

A. Going and Coming Rule

Mr. Payton contends the going and coming rule does not apply in his case because he was working when the collision occurred. Pursuant to the Act, an injured employee seeking to recover must demonstrate that the injury arose "out of and in the course of employment." Md. Code Ann., Labor and Employment § 9-101(b)(1). "An injury arises out of employment when it results from some obligation, condition, or incident of employment." *Livering v. Richardson's Restaurant*, 374 Md. 566, 574 (2003) (citations and quotation marks omitted). In assessing whether an injury arose out of employment, this Court considers the "time, place, and circumstances of the accident in relation to the employment." *Roberts v. Montgomery County*, 436 Md. 591, 604 (2014) (citations and quotation marks omitted). The Supreme Court of Maryland has determined that "an injury is in the course of employment when it occurs during the period of employment at a place where the employee reasonably may be in performance of his or her duties and while fulfilling those duties or engaged in something incident thereto." *Montgomery County v. Wade*, 345 Md. 1, 11 (1997) (citations omitted).

The going and coming rule generally precludes compensation under the Act for injuries that occur during an employee's commute to and from work because such injuries do not occur during the course of employment. *See Morris v. Bd. of Educ. of*

Prince George's County, 339 Md. 374, 380 (1995) ("[T]he hazards encountered by an employee while commuting to work are common to all workers, no matter what their job, and, hence, such risks cannot be directly attributable to a person's particular employment.") (citations omitted). This Court has specifically acknowledged that "risks to which an employee is exposed while going to or coming from work are no different from the ones which confront workers while they are traveling on personal excursions." *Fairchild Space Co. v. Baroffio*, 77 Md. App. 494, 497 (1989) (citation omitted).

The going and coming rule applies to Mr. Payton's drive from his home to the Northeast District Police Station after he retrieved his radio because Mr. Payton had not started working and was driving to work at the time of the accident. Although Mr. Payton punched in to work between 10:20 p.m. and 10:30 p.m., he stipulated that he could not begin his shift until he attended the BPD's mandatory roll call and reported to his sergeant with all his necessary equipment at 10:39 p.m. On the night of the collision, Mr. Payton did not attend roll call because he had forgotten his assigned police radio, an essential piece of equipment required at roll call. As a result, Mr. Payton's sergeant did not have the opportunity to inspect his uniform and equipment or assign him a police vehicle before officially placing him on duty. Therefore, Mr. Payton never began work on the night in question. When Mr. Payton received permission from Sergeant Garcia to return to his home and retrieve the radio, he did not inform her that he had already punched in to work. Sergeant Garcia did not authorize Mr. Payton to begin his shift before the collision occurred. Thus, Mr. Payton's punching in to work and receiving permission from the sergeant to retrieve his radio did not put him on duty, and his injuries

did not arise within the scope of his employment. It so follows that the drive from his home to work when the accident occurred was merely a commute under the going and coming rule.

Mr. Payton further argues that, even if he did not begin working when he left the police station after notifying his sergeant, he was put on duty once he retrieved the radio because he had all of his essential equipment with him, and he could "enjoy his ability to use his full police powers in full uniform." This improperly implies that police officers are on duty whenever they drive their personal vehicles and have all of their necessary equipment with them. In *State v. Okafor*, this Court stated that "police officers do not enjoy unfettered coverage under the Act simply because they are considered 'on-duty' 24-hours a day." 225 Md. App. 279, 293 (2015) (citing *Mayor and City Council of Baltimore v. Jakelski*, 45 Md. App. 7, 13 (1980) (holding that an officer's being subject to a potential official call to duty twenty-four-hours a day is not enough for coverage under the Act)). Mr. Payton's drive from his home to the police station was merely a commute under the going and coming rule because he did not begin working and did not put himself on duty by, for example, receiving and responding to a call to duty before the collision. Therefore, Mr. Payton was not working after he retrieved his radio and proceeded to return to the Northeast District Police Station in his personal vehicle.

Accordingly, we find the circuit court properly granted the City's Motion for Summary Judgment because Mr. Payton was commuting to work under the going and coming rule at the time of the collision, and as explained below, none of the exceptions to the rule apply, so his injuries are not compensable under the Act.

B. Dual Purpose Exception

Mr. Payton argues the circuit court should have applied the dual purpose exception to the going and coming rule. The Supreme Court of Maryland has held that "[i]f the work of the employee creates the necessity for travel, he is in the course of his employment, though he is serving at the same time some purpose of his own." *Wade*, 345 Md. at 13 (citation and quotation marks omitted). For the exception to apply, "the mission for the employer must be the major factor or, at least, a concurrent cause of the journey." *Id.* at 14 (cleaned up); *see also Atl. Ref. Co. v. Forrester*, 180 Md. 517, 526 (1942) ("[I]f [the employer's mission] is merely incidental to what the employee was doing for his own benefit, the injury does not arise out of or in the course of the employment."). Moreover, "the mere fact that the employee is, while going to work, carrying some of the paraphernalia of his employment does not, of itself, convert the trip into a part of his employment." *Stoskin v. Bd. of Ed. of Montgomery County*, 11 Md. App. 355, 358 (1971).

Mr. Payton argues the retrieval of his radio falls under the dual purpose exception because his primary purpose was to benefit the City. Mr. Payton suggests his presence within his jurisdiction at the time of the collision provided a benefit to the City because he was capable of responding to calls if the need arose. He claims that his trip served two concurrent and complementary purposes: it enabled him to travel from home to work, which benefited Mr. Payton, and it created a police presence on the road, which benefited the City. Mr. Payton relies on *Wade* and *Okafor*.

In *Wade*, the Court found that an off-duty officer provided a dual purpose to her employer when she drove a police vehicle on the road in connection with a police program because she contributed to a visible police presence that deterred crime. 345 Md. at 13-14. Through its Personal Patrol Vehicle ("PPV") Program, the Montgomery County Police Department expressly permitted officers to maintain a police vehicle "'for benefit of employment.'" *Id.* at 6 (explaining that this program is "'to provide the highest level of police service to the community by providing greater police visibility on the streets and in the neighborhoods of Montgomery County, and by enhancing the responsiveness of both on-duty and off-duty officers to calls for service.'"). The primary purpose of this PPV Program was to provide a benefit to Montgomery County. *Id.* at 7 ("[E]ven while officers are operating their PPVs for purposes other than responding to a call for police assistance, they are still providing a police service, to the extent that the PPV is a visual deterrent to criminal activity.").

On the other hand, in *Okafor*, this Court held that a police officer driving to work in uniform but in his personal vehicle did not advance his employer's interest and thus the dual purpose exception did not apply. 225 Md. App. at 297-98. This Court also stated,

> Police cruisers are immediately identifiable as police presence and are highly visible to a large number of people, which is what makes their presence an effective deterrent to crime. . . . Most drivers and passengers on the road will not notice that a vehicle that is not marked as law enforcement is being driven by a uniformed officer, unless they are directly next to the officer's vehicle and happen to look at it.

Id.

Neither *Wade* nor *Okafor* supports Mr. Payton. He was not predominantly benefiting the City by providing a visible police presence because Mr. Payton was not part of a PPV Program and he was driving a personal vehicle. Mr. Payton's personal vehicle was neither "immediately identifiable as police presence," nor was it "highly visible to a large number of people." *Okafor*, 225 Md. App. at 297. Therefore, Mr. Payton's assertion that his presence on the road in his personal vehicle primarily benefited the City by serving as an effective deterrent to crime is unpersuasive.

Nevertheless, Mr. Payton maintains that his injuries are still compensable under the Act and that he benefited the City because he could have exercised his police powers while driving from his home to the Northeast District Police Station. Mr. Payton, however, did not receive a call of duty on the night of the collision. Therefore, the issue of whether his response to a duty call would have put him on duty is not before this Court. To note, the mere fact that Mr. Payton was commuting to work while "carrying some of the paraphernalia of his employment" and, therefore, could have responded to a call to duty does not convert this trip into a fundamental component of his employment. *Stoskin*, 11 Md. App. at 358.

Mr. Payton also asserts his commute benefited the City by preventing the BPD from having to provide him with a loaner radio. Mr. Payton does not provide any citation to the record to support this assertion. Our review of the portions of the record and record extract cited elsewhere in his brief do not support this assertion, and we will not search for it. *See Rollins v. Cap. Plaza Assocs*., 181 Md. App. 188, 201 (2008) (finding

that this Court "cannot be expected to delve through the record to unearth factual support favorable to the appellant") (cleaned up); *Reynolds v. Reynolds*, 216 Md. App. 205, 225-26 (2014) ("We therefore shall not comb through the 2,904 pages of extract in this case—much less the record itself—in order to find factual support for appellant's alleged point of error.").

Accordingly, we affirm the circuit court's finding that the dual purpose exception is inapplicable here.

C. Special Errand Exception

Mr. Payton argues the circuit court erred in failing to apply the special errand exception to the going and coming rule. Under the special errand exception, this Court in *Okafor* wrote,

> an off-premises journey . . . may be brought within the course of employment by the fact that the trouble and time of making the journey, or the special inconvenience, hazard, or urgency of making it in the particular circumstances, is itself sufficiently substantial to be viewed as an integral part of the service itself.

225 Md. App. at 292 (quoting *Jakelski*, 45 Md. App. at 10).

This exception specifically provides that "an employee is acting in the course of employment when travelling on a special mission or errand at the request of the employer and in furtherance of the employer's business, even if the journey is one that is to or from the workplace." *Barnes v. Children's Hosp.*, 109 Md. App. 543, 555-56 (1996) (citations omitted).

In determining whether the special errand exception is applicable, this Court examines three factors. *See Barnes*, 109 Md. App. at 557. First, we consider "the relative regularity or unusualness of the particular journey." *Id.* (citations and quotation marks omitted). "If the journey at issue is 'relatively regular,' in the context of the employee's normal duties, then 'the case begins with a strong presumption' that the trip is not special and instead falls within the normal going and coming rule." *Id*. (citations omitted); *see also Jakelski*, 45 Md. App. at 11 (holding that a police officer's trip from his home to traffic court was a "regularly repetitive" part of his employment because he made monthly trips to testify at traffic court).

Second, we evaluate "the relative onerousness of the journey compared with the service to be performed at the end of the journey." *Barnes*, 109 Md. App. at 558 (citations and quotation marks omitted). "The 'onerousness' of the journey depends not only on its length but also on the circumstances under which it is made, *i.e*., the time of day, whether it is a regular workday, or the conditions of travel." *Id.* (citations omitted); *see, e.g., Reisinger-Siehler Co. v. Perry*, 165 Md. 191, 194 (1933) (finding that store employee was "performing [a special errand] under the direction of his employer[,] which required him to leave his home at night, after regular working hours, and called for a service outside of his regular duties as salesman, the sole purpose of which was to help his employer in the latter's business").

Third, we assess the "suddenness of the call to work or whether it was made under an element of urgency." *Barnes*, 109 Md. App. at 558 (cleaned up)*; see, e.g., Director of Finance for City of Baltimore v. Alford*, 270 Md. 355, 364 (1973) (finding that police

officer was on a special errand when he was injured while traveling to work early due to a special emergency alert).

Mr. Payton claims his retrieval of the radio constitutes a special errand because the radio was essential to his job performance, and he drove home under the presumption that he must return promptly to work upon completion of the errand. He specifically asserts that the exception applies because he was "given permission to retrieve a necessary piece of equipment after he had already arrived at work and clocked in for the day." Unlike the claimant in *Barnes*, Mr. Payton was not acting at the request of his employer when he retrieved his radio because his sergeant was not informed that he had previously punched in to work, the radio is a necessary part of equipment that employees are required to bring, and this was a routine work schedule for Mr. Payton. *See Barnes*, 109 Md. App. at 552, 559-60 (finding that special errand exception applied when employee went to her workplace at the request of her employer on a day she normally was not scheduled to work).

Moreover, Mr. Payton's argument fails to satisfy the three-factor test established in *Barnes*. First, Mr. Payton's drive from his home to the Northeast District Police Station took him on the same route that he used every day during his commute to work, thereby qualifying the trip as "'relatively regular,' in the context of [his] normal duties." *Barnes*, 109 Md. App. at 557. Therefore, there is a "'strong presumption'" that the exception does not apply. *Id.* (citation omitted). Second, Mr. Payton's drive hardly qualifies as "onerous" because he voluntarily made the same trip every time he commuted to work. Although Mr. Payton's trip occurred at night, specifically between

10:30 p.m. and 11:41 p.m., he frequently worked night shifts at the Northeast Division that begin at 10:39 p.m. The fact that Mr. Payton's trip on the night of the collision occurred approximately one hour later than his typical commute does not, on its own, qualify the trip as "onerous" and invoke the special errand exception. Third, the BPD did not "suddenly" instruct Mr. Payton to drive home and retrieve his radio; rather, Mr. Payton notified Sergeant Garcia that he had forgotten the radio, and Mr. Payton asked for permission to return home in his personal vehicle to collect it. Mr. Payton's trip, therefore, lacked an "element of urgency." *Barnes*, 109 Md. App. at 559 (citation and quotation marks omitted).

Accordingly, we affirm the circuit court's finding that the special errand exception is inapplicable here because Mr. Payton's commute from his home to the Northeast District Police Station was "relatively regular" within the scope of the going and coming rule.

D. Free Transportation Exception

Mr. Payton argues the circuit court should have applied the free transportation exception to the going and coming rule. The Supreme Court of Maryland initially recognized the exception in *Harrison v. Central Const. Corp.*, 135 Md. 170, 177-78 (1919). In *Harrison*, the Court held:

> [W]here the workman is employed to work at a certain place, and as a part of his contract of employment there is an agreement that his employer shall furnish him free transportation to or from his work the period of service continues during the time of transportation, and if an injury occurs during the time of transportation it is held to have arisen out of and in the course of employment.

135 Md. at 177-78.

This Court further elaborated on the contractual prerequisite to the application of the exception in *Ryan v. Kasaskeris*, holding:

> [A]n injury occurring while an employee is on his way to or from work . . . becomes compensable only if, under the terms of the employment, the employer is under some obligation to provide the transportation to the employee. It is that underlying obligation which brings the travel within the scope of the employment.

38 Md. App. 317, 328 (1977).

Here, Mr. Payton relies extensively on *Ryan* in arguing that the free transportation exception is applicable because he receives free access to public transportation on "all MTA transit lines" as a Baltimore City police officer and BPD assigns police vehicles to certain officers for use during their shifts. This does not meet the free transportation exception. Notably, Mr. Payton provides no citation to the record, and there is no evidence that the City had an obligation to provide public transportation at no charge to police officers. Regardless of the lack of evidence to support the free access to transportation, this argument still overlooks the necessity of a contractual agreement between an employer and an employee to provide free transportation. *Okafor*, 225 Md. App. at 290 (explaining that Maryland case law requires an explicit agreement or "underlying obligation" to provide transportation or reimburse transportation costs for the exception to apply but notably, "payment of those costs without such an underlying obligation does not trigger the [] exception."). Mr. Payton does not make the argument

that a contract exists, and the record does not contain any evidence to substantiate a contractual agreement or reimbursement.

Accordingly, we affirm the circuit court's finding that the free transportation exception is inapplicable here.

II. WE DECLINE TO ADDRESS THE SECOND QUESTION PRESENTED FOR FAILURE TO COMPLY WITH MD. RULE 8-504(a)(6).

After generally citing Md. Rule 2-501 and *Tellez v. Canton Railroad Co.*, 212 Md. 423 (1957), for the proposition that "summary judgment cannot be granted unless the moving party demonstrates that there is no genuine dispute as to any material fact and that he is entitled to judgment as a matter of law[,]" Mr. Payton's brief specifically asserted the following:

> A question of material fact exists as to whether Officer Payton was on duty after clocking in or was not on duty until roll call had been administered. A further question of material fact exists as to whether Officer Payton was given permission to go on a special errand to retrieve his radio from his home or if that permission, as argued by opposing coun[se]l, served as merely an agreement not to sanction [Mr.] Payton for being unprepared. These factual disputes should have been reserved for a jury to determine and as such summary judgment was improper.

Mr. Payton failed to cite to the record or explain how these material facts are disputed. The Maryland Rules require that a brief supply an "[a]rgument in support of the party's position on each issue" and, in the event of noncompliance, allow an appellate court to "dismiss the appeal or make any other appropriate order with respect to the case." Md. Rule 8-504(a)(6), (c). As we have previously stated, a "single sentence is insufficient to satisfy [Rule 8-504(a)(6)]'s requirement." *Silver v. Greater Baltimore*

Medical Center, Inc., 248 Md. App. 666, 688 n.5 (2020). In his brief, Mr. Payton provided only a single sentence for each allegedly disputed material fact, and he failed to include any substantive legal analysis or citation to the record. As his brief does not comply with Rule 8-504(a)(6), we decline to address his second question presented.[2]

CONCLUSION

For the foregoing reasons, we find that the circuit court did not err in denying Mr. Payton's Motion for Summary Judgment. We, therefore, affirm the circuit court's judgment, holding that Mr. Payton's injuries are not compensable under the Act because they did not arise in the course of his employment.

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

[2] Mr. Payton stipulated to facts that he subsequently attempts to argue are disputed. As the City points out, the "facts are undisputed as they come only from the testimony of Officer Payton and the stipulation of the Parties at the hearing before the Commission." Mr. Payton's counsel stipulated before the Commission that shifts at the BPD officially "start at 10:39 p.m.," and officers do not "get paid" until that time, even though the officers are permitted to "punch in" early. Mr. Payton also stipulated that his sergeant "did not authorize him to begin his shift" when he "advised that he had left his radio at home." His sergeant did, however, "agree[] he should go home and get his radio." Both parties' briefs state that Mr. Payton received "permission" from his sergeant to retrieve his radio.