

Discrimination: Nurses Aide Sues For Retaliation.

A nurses aide quit her job at the state veterans home following a verbal altercation with a co-worker.

About six months later she filed a complaint with the US Equal Employment Opportunity Commission (EEOC) alleging that she did not quit her job but was forced out by ongoing harassment directed at her because of her race.

A month after that she contacted the veterans home about coming back to work.

The aide was told she would not be considered for rehiring because she had filed a discrimination complaint with the EEOC.

UNITED STATES DISTRICT COURT
MISSISSIPPI
April 20, 2010

The aide sued her former employer for discrimination.

The lawsuit alleged that racial discrimination forced her out of her job and, on top of that, retaliation for filing a complaint with the EEOC was the reason she was not considered for rehiring.

The US District Court for the Southern District of Mississippi found no evidence that any racial discrimination occurred or any evidence that discrimination forced the aide to have to leave her employment.

Nevertheless, it was still fairly clear the aide's former employer violated her civil rights by refusing to consider rehiring her because she had filed a discrimination complaint with the EEOC, albeit a complaint which itself could not be substantiated to the Court's satisfaction.

Retaliation Suit Survives

After Discrimination Suit Dismissed

Title VII of the US Civil Rights Act strictly prohibits retaliation by an employer against an employee who files a charge of discrimination. The employee can pursue a retaliation lawsuit even if the underlying complaint of discrimination is ruled not valid. **Dettor v. Miss. Veterans Home, 2010 WL 1609728 (S.D. Miss., April 20, 2010).**