

Discrimination: Victim Must Identify Non- Minorities Treated Better.

An African-American certified nursing assistant was fired for violating the hospital's call-in policies for employees who intend to be absent from their scheduled work shifts.

She sued for race discrimination. She testified in a deposition that two Caucasian CNA's, whom she named, had attendance problems but were not fired.

To sue for racial discrimination the victim must prove that he or she:

Is a member of a minority group;

Was qualified for the position; and

Was treated adversely.

The victim must also show that a one or more comparable non-minorities were treated more favorably.

UNITED STATES COURT OF APPEALS
ELEVENTH CIRCUIT
June 29, 2006

The US Circuit Court of Appeals for the Eleventh Circuit, however, pointed out that she had only a very vague knowledge of the two Caucasian employees' employment histories and was not able to give any details how their histories of call-ins and absences compared to hers in all important respects.

A victim who sues for employment discrimination has the legal burden of proof to show a strong similarity between herself or himself and non-minorities or the court will find no evidence of differential treatment and dismiss the lawsuit.

Dickinson v. Springhill Hospitals, Inc., 2006 WL 1785295 (11th Cir., June 29, 2006).