

Sixth Circuit: Employee Fails to Establish race Discrimination based on Having Biracial Children

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An employee was terminated after her employer conducted an investigation which ultimately revealed that she was stealing hydrocodone pills from the employer's pharmacy. As a result of the investigation, the employer contacted the local police and provided them with information that ultimately led to the arrest of the employee. The employee then filed suit against her employer, claiming that the employer was deliberately misleading and malicious in providing information to the police which led to her arrest. The employee claimed that her termination was actually because of her race, and more specifically, based on her having biracial children. She also claimed that she was retaliated against for her complaints about unlawful race discrimination. The employee alleged that the employer's actions violated the state of Michigan's Elliot-Larsen Civil Rights Act and common law, and Title VII of the Civil Rights Act of 1964, as amended.

The U.S. Court of Appeals for the Sixth Circuit found that the employee failed to demonstrate race discrimination based on being the mother of biracial children because she could not show that she was treated differently from a similarly situated employee, and because she was unable to demonstrate that the employer's legitimate nondiscriminatory reason for her termination — that she was stealing from her employer — was a pretext for unlawful discrimination. The court also concluded that the district court properly granted summary judgment on the employee's retaliation claim because the employee failed to exhaust her administrative remedies and to show a causal connection between her activities and her termination.

Properly documenting the legitimate, nondiscriminatory, nonretaliatory basis for an employee's termination is key to defending against claims such as these. For more information read [Handlon v. Rite Aid Servs., LLC, No. 12-1275 \(6th Cir. Jan. 31, 2013\)](#).

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