

Security Guard Terminated After Incident with Psychiatric Patient Cannot Advance Discrimination Claims

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By: Andrew M. Gordon

The Sixth Circuit recently upheld a Michigan district court's decision to dismiss a 52-year-old African-American female security guard's age, race, and sex discrimination claims arising from her discharge following an incident with a combative psychiatric patient at the hospital where she worked.

The plaintiff, Anita Loyd, an African-American woman, began working for the hospital as a security guard in 1986. Loyd's tenure at the hospital was littered with various negative marks. The culmination of Loyd's disciplinary issues occurred on June 16, 2011. Loyd was dispatched to a room containing a combative female psychiatric patient. According to the hospital, instead of helping to restrain the patient, Loyd told the patient that she could leave if she had been admitted for a drug-related or alcohol-related (not psychiatric) reason and demanded to see the patient's admissions paperwork. Loyd's actions agitated the patient, who tried to pull an IV out of her arm. Other guards restrained the patient. Loyd conceded that the incident occurred but disputed the hospital's version of the incident. The hospital conducted an internal investigation, after which it terminated Loyd's employment. The hospital subsequently hired a 39-year-old African-American woman for the security guard position. After receiving a right-to-sue letter from the EEOC, Loyd filed suit against the hospital and five hospital employees in federal district court.

The hospital filed a motion for summary judgment on all of Loyd's claims, which the trial court granted and judgment was entered in favor of the hospital. Loyd appealed the trial court's ruling and argued the trial court committed a reversible error in denying her motion to compel the production of a peer review that Loyd contended would shed additional light on the 2011 incident and in dismissing her claims at the summary-judgment phase. Loyd contended the conflicting record and other evidence such as the peer-review file created factual disputes a jury should hear.

In its holding in the case, *Anita Loyd v. Saint Joseph Mercy Oakland et al.*, No. 13-2335 (6th Cir. September 10, 2014), the Sixth Circuit [said the trial court was right to not compel](#) the hospital to turn over the peer review. The court also agreed with the trial court's decision to dismiss the gender and race discrimination claims because

Loyd's replacement was also an African-American woman. As for her age discrimination claims, the court said Loyd did not offer evidence to rebut the hospital's contention that it fired her out of its honestly-held belief that she committed a "major infraction" during the June 2011 incident. The court also rejected Loyd's arguments that the trial court erred in tossing out her state-level intentional-interference and infliction of emotional distress claims, finding that the state common-law claim was preempted by federal law and the distress claim does not apply to "run-of-the-mill" claims of employment discrimination.

Though the employer ultimately prevailed here, this case nevertheless demonstrates the importance of documenting disciplinary infractions and conducting thorough investigations into workplace incidents.

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