

## U.S. Circuit Court of Appeals Upholds Teacher's Firing

PS&H employment partner and Chair of the Employment & Labor Group, Alicia Samolis, provided comment to *RI Lawyers Weekly* on the recent 1st U.S. Circuit Court of Appeals decision in *Richard v. Regional School Unit 57*. In a split decision, the Court upheld the lower court judge's decision, after a bench trial, that the teacher's termination was not retaliatory even though the judge did not believe the employer's stated reason for the teacher's termination.

In an article published by *RI Lawyers Weekly*, Alicia, who was not involved in the case, explained that the U.S. District Court judge "did not impute to the decisionmaker the knowledge of others within the organization. If the decisionmaker is not aware of protected conduct, there can be no liability for retaliation."

The First Circuit Court of Appeals correctly rejected the plaintiff's argument on appeal in finding that the School's stated reason for the termination was pretextual and *guaranteed* the plaintiff a win.

Alicia stated "the factfinder still has to believe the adverse action is for the illegal reason claimed by the employee."

"There could be reasons for the termination that the employer would not want to admit to, such as personal dislike or frustration over complaints from students' parents, but they aren't retaliatory," Alicia added.

Fact finders, particularly jurors, are likely to find illegal motives when the fact finder does not believe the employer's stated reasons for its actions. They are also likely to find that individuals in the same organization share critical information. The fact finder is free to form his or her own conclusions as to both issues.

[Click here to read the full article](#) (subscription required).

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