



CLIENT NEWS BRIEF

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EMPLOYER'S LEGITIMATE BUSINESS REASON FOR HIRING DECISION DEFEATS PROSPECTIVE EMPLOYEE'S DISCRIMINATION CLAIM

The First District California Court of Appeal recently rejected a plaintiff's claim of unlawful discrimination against an employer who did not hire the plaintiff because the plaintiff failed to show that the employer's hiring decision was motivated by a discriminatory purpose. In *Reeves v. MV Transportation, Inc.* ("Reeves") ___ Cal.App.4th ___ (July 9, 2010) 2010 WL 2696834, the court ruled that the prospective employee did not produce sufficient evidence to overcome the employer's legitimate business reason for its hiring decision and, therefore, failed to demonstrate intentional discrimination.

David B. Reeves, a 56-year-old male, applied for a position as a staff attorney with MV Transportation, Inc. ("MV"). Mr. Reeves was not interviewed for the position. Another applicant, Gail Blanchard-Saiger, a 40-year-old female, was hired from approximately 60 applicants. Mr. Reeves filed suit against MV alleging age discrimination as a result of the hiring of Ms. Blanchard-Saiger, in violation of the California Fair Employment and Housing Act ("FEHA"). The trial court granted MV's motion for summary judgment and dismissed the case. Mr. Reeves appealed and the appellate court affirmed the trial court's ruling in favor of MV.

Both Mr. Reeves and MV stipulated that the first two steps of the three-step discrimination analysis – (1) whether Mr. Reeves had established a prima facie case that MV did not hire him because of his age, and (2) whether MV had a legitimate, nondiscriminatory reason for not hiring Mr. Reeves – were satisfied. Therefore, the sole issue before the court was the third step in analyzing a discrimination claim: whether Mr. Reeves was able to demonstrate that the reasons given by MV in support of their hiring decision were untrue or a pretext for intentional discrimination.

In support of his discrimination claim, Mr. Reeves argued that his superior qualifications and MV's destruction of relevant evidence, either alone or in combination, constituted substantial evidence of discrimination. With regard to the qualifications of Mr. Reeves and Ms. Blanchard-Saiger, the court undertook an extensive analysis of Mr. Reeves' and Ms. Blanchard-Saiger's qualifications and ultimately concluded that Mr. Reeves' qualifications

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were not significantly better than Ms. Blanchard-Saiger's and did not support the claim that MV intentionally discriminated against Mr. Reeves.

Mr. Reeves also claimed that MV's destruction of all documents related to the hiring decision was evidence of pretext. While the court noted that MV was obligated under FEHA to preserve the applications for the staff attorney position for a minimum of two years, the court found that even setting aside the destruction of evidence issue, Mr. Reeves failed to establish sufficient evidence of discriminatory intent.

This case serves as a reminder for all employers to maintain records concerning employment actions – hiring, firing, promoting, reassigning – and to document the rationale for making such decisions. Given the extent to which a court will scrutinize an employer's employment action in the face of a discrimination lawsuit, it is necessary to not only document the rationale for the employment action, but to provide a clear, logical, reasonable rationale in support of the action. In the event an employee or potential employee brings a discrimination action against an employer, such rationale, documentation and record-keeping will be imperative for effectively defending against the allegations.

If you have any questions regarding this decision, please do not hesitate to contact one of our [seven offices](#) located statewide or consult our [website](#).

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