

UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA
CIRCUIT

Peggy Wilson v. Alejandro Mayorkas

No. No. 20-5030, United States Court of Appeals for the District of Columbia Circuit (February 26, 2021)

SUMMARY

Peggy Wilson sued the Department of Homeland Security for race, sex, and age discrimination after being denied a promotion. The D.C. Circuit affirmed summary judgment for the employer, holding that Wilson forfeited her challenge to the employer's legitimate nondiscriminatory reason by not raising it below, and that she failed to show pretext for race discrimination through hiring protocol deviations, qualifications comparisons, or alleged patterns of discrimination. The court also found insufficient evidence to support her sex and age discrimination claims.

CASE DETAILS

COURT	United States Court of Appeals for the District of Columbia Circuit
WRITING FOR THE COURT	Srinivasan; Millett; Walker
JURISDICTION	Federal
DECIDED	February 26, 2021
DOCKET	No. 20-5030
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the United States District Court for the District of Columbia's order granting defendant's motion for summary judgment.
PRECEDENTIAL VALUE	unpublished
PARTIES	Peggy Wilson v. Alejandro N. Mayorkas, in his official capacity as Secretary of U.S. Department of Homeland Security

TOPICS

employment discrimination

age discrimination

summary judgment

QUESTIONS PRESENTED

- Whether the district court properly granted summary judgment on Wilson's sex and age discrimination claims.

2. Whether the district court properly granted summary judgment on Wilson's race discrimination claim, including whether the government met its burden under McDonnell Douglas and whether Wilson showed pretext.

HOLDINGS

1. Wilson offered insufficient evidence in support of her sex and age discrimination claims, so summary judgment was proper.
2. Wilson forfeited the argument by not raising it before the district court.
3. Wilson failed to show that a reasonable factfinder could find pretext.

KEY QUOTATIONS

“we must assume that a reasonable juror who might disagree with the employer’s decision, but would find the question close, would not usually infer discrimination on the basis of a comparison of qualifications alone.”

“Wilson has not met her burden to establish facts enabling a reasonable factfinder to conclude that the employment decision was based on discrimination.”

FACTUAL BACKGROUND

Wilson applied for a promotion in the Department of Homeland Security but was not selected. She brought claims alleging discrimination based on race, sex, and age. The government proffered a non-discriminatory reason for its decision, and Wilson argued that the reason was pretextual.

PROCEDURAL HISTORY

Wilson sued the Department of Homeland Security alleging discrimination based on race, sex, and age after being denied a promotion. The district court granted summary judgment for the defendant. Wilson appealed.

DISPOSITION

affirmed

CASES CITED

- McDonnell Douglas Corp. v. Green, 411 U.S. 792 (1973)
- Figueroa v. Pompeo, 923 F.3d 1078 (D.C. Cir. 2019)
- Government of Manitoba v. Bernhardt, 923 F.3d 173 (D.C. Cir. 2019)
- Wheeler v. Georgetown Univ. Hosp., 812 F.3d 1109 (D.C. Cir. 2016)
- Aka v. Washington Hosp. Ctr., 156 F.3d 1284 (D.C. Cir. 1998) (en banc)
- Wilson v. Wolf, No. 18-cv-00322, 2020 WL 601782 (D.D.C. Feb. 7, 2020)