

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
VIRGINIA, ALEXANDRIA DIVISION

Kathleen Stanley McCaffery v. Fairfax County

Civil Action No. 1:23-cv-965 (RDA/IDD) · No. 1:23-cv-965 (RDA/IDD) · Decided May 14, 2026

SUMMARY

The United States District Court for the Eastern District of Virginia considers Fairfax County’s motion for summary judgment in Kathleen Stanley McCaffery’s employment-related retaliation and discrimination action. The court grants the motion in part and denies it in part, addressing alleged retaliation following McCaffery’s participation in an organizational climate review, her resignation from a women’s program officer role, internal investigations, press conferences, and proposed reassignment.

CASE DETAILS

COURT	United States District Court for the Eastern District of Virginia, Alexandria Division
WRITING FOR THE COURT	Rossie D. Alston, Jr.
JURISDICTION	United States District Court for the Eastern District of Virginia, Alexandria Division
DECIDED	May 14, 2026
DOCKET	1:23-cv-965 (RDA/IDD)
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved for summary judgment on the remaining Title VII claims. The court granted the motion as to the sex-discrimination and retaliation-based denial-of-promotion claims and denied it as to the retaliatory hostile-work-environment claim.
STANDARD OF REVIEW	Summary judgment is proper when there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The court viewed the facts and reasonable inferences in the light most favorable to the nonmovant and did not weigh evidence or make credibility determinations.
PRECEDENTIAL VALUE	Unpublished federal district court memorandum opinion; persuasive rather than binding outside the case.

PARTIES

Kathleen Stanley McCaffery v. Fairfax County

TOPICS

retaliation

hostile work environment

title vii

employment discrimination

summary judgment

PRACTICE AREAS

employment law

civil rights

civil procedure

municipal law

QUESTIONS PRESENTED

1. Whether McCaffery presented sufficient evidence to create a genuine dispute that she experienced a retaliatory hostile work environment under Title VII.
2. Whether Fairfax County was entitled to summary judgment on McCaffery's Title VII sex-discrimination claim based on her nonselection for Fire Chief.
3. Whether Fairfax County was entitled to summary judgment on McCaffery's Title VII retaliation claim based on her nonselection for Fire Chief.

HOLDINGS

1. Summary judgment was denied because the record, viewed in McCaffery's favor, presented a genuine dispute as to whether the alleged retaliatory conduct was unwelcome, attributable to the County, and sufficiently severe or pervasive that it could dissuade a reasonable worker from making or supporting a discrimination charge.
2. Summary judgment was granted to Fairfax County on the sex-discrimination and retaliation claims arising from McCaffery's nonselection for Fire Chief because she failed to present sufficient evidence that the County's legitimate explanation—that the selected candidate was better qualified based on performance and experience—was pretextual.

KEY QUOTATIONS

“A reasonable jury could find that, when considered collectively, this conduct was sufficiently pervasive that it would dissuade a reasonable worker from making or supporting a charge of discrimination.” (Section IV.A)

“Plaintiff cites no record evidence, beyond her own conclusory opinion, that she was at least as qualified or more qualified than Butler.” (Section IV.B)

FACTUAL BACKGROUND

McCaffery was a Fairfax County Battalion Chief who became permanently unable to perform the essential functions of an operational Battalion Chief after a work-related injury and thereafter served in alternative-placement assignments, including as the Fire and Rescue Department's Women's Program Officer. After she participated in reviewing workplace-climate concerns and later circulated a resignation email criticizing department leadership, she claimed that County officials retaliated through a series of workplace actions, including an Internal Audit investigation, exclusion from activities, reduced support, and threatened

reassignment or loss of rank. She also claimed that she was denied promotion to Fire Chief because of sex discrimination and retaliation. The court found a genuine dispute concerning whether the alleged retaliatory conduct, considered collectively, was sufficiently severe or pervasive, but found no sufficient evidence that the County's stated nondiscriminatory reason for the nonselection was pretextual.

PROCEDURAL HISTORY

McCaffery filed the action on July 21, 2023, and later filed successive amended complaints. The court dismissed some claims and terminated the International Association of Fire Fighters as a defendant. After the third amended complaint, Fairfax County moved for summary judgment on the three remaining Title VII counts: retaliatory hostile work environment, denial of promotion based on sex, and retaliatory denial of promotion.

DISPOSITION

other

CASES CITED

- Fed. R. Civ. P. 78(b)
- Sadeghi v. Inova Health Sys., 251 F. Supp. 3d 978, 981 (E.D. Va. 2017)
- Immunogen, Inc. v. Iancu, 523 F. Supp. 3d 773, 777-78 (E.D. Va. 2021)
- ImmunoGen, Inc. v. Hirshfeld, 2022 WL 885774 (Fed. Cir. Mar. 25, 2022)
- In re Family Dollar FLSA Litig., 637 F.3d 508, 512 (4th Cir. 2011)
- Dash v. Mayweather, 731 F.3d 303, 311 (4th Cir. 2013)
- Nat'l Enters., Inc. v. Barnes, 201 F.3d 331, 335 (4th Cir. 2000)
- Evans v. Technologies Applications & Servs. Co., 80 F.3d 954, 962 (4th Cir. 1996)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 247-48, 255 (1986)
- Celotex Corp. v. Catrett, 477 U.S. 317, 325 (1986)
- Laurent-Workman v. Wormuth, 54 F.4th 201, 218 (4th Cir. 2022)
- Foster v. Univ. of Md.-Eastern Shore, 787 F.3d 243, 248 (4th Cir. 2015)
- McDonnell Douglas Corp. v. Green, 411 U.S. 792, 802 (1973)
- Sempowich v. Tacitle Sys. Tech., Inc., 19 F.4th 643, 650 (4th Cir. 2021)
- Holland v. Washington Homes, Inc., 487 F.3d 208, 214 (4th Cir. 2007)
- Reeves v. Sanderson Plumbing Prods., Inc., 530 U.S. 133, 143, 147 (2000)
- Wannamaker-Amos v. Purem Novi, Inc., 126 F.4th 244, 255 (4th Cir. 2025)
- Hux v. City of Newport News, 451 F.3d 311, 316-19 (4th Cir. 2006)
- Goldberg v. B. Green & Co., 836 F.2d 845, 848 (4th Cir. 1988)
- Smith v. Flax, 618 F.2d 1062, 1067 (4th Cir. 1980)
- Phillips v. Esper, 2020 WL 3579796, at *15 (E.D. Va. June 30, 2020)
- N.E. Fla. Chapter of the Associated Gen. Contractors of Am. v. City of Jacksonville, Fla., 508 U.S. 656, 666 (1993)

- Cerrato v. S.F. Cmty. Coll. Dist., 26 F.3d 968, 976 (9th Cir. 1994)
- Shea v. Kerry, 796 F.3d 42, 50 (D.C. Cir. 2015)
- Roberts v. Glenn Indus. Grp., Inc., 998 F.3d 111, 125 (4th Cir. 2021)

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