

SUPREME COURT OF ALASKA

Beegan v. State, Department of Transportation & Public Facilities

195 P.3d 134 (Alaska 2008) · No. S-12615 · Decided October 31, 2008

SUMMARY

The Alaska Supreme Court held that a prior Alaska State Commission for Human Rights decision finding retaliatory failures to hire did not preclude Dennis Beegan from pursuing back pay and noneconomic damages in superior court because those matters were not resolved or available before the Commission. The court also held that Beegan did not waive his noneconomic damages claim and that equitable tolling prevented the statute of limitations from barring it. The superior court's dismissal was reversed and the case was remanded for determination of back pay and noneconomic damages.

CASE DETAILS

COURT	Supreme Court of Alaska
WRITING FOR THE COURT	Fabe, Chief Justice; Matthews, Justice; Eastaugh, Justice; Carpeneti, Justice
JURISDICTION	Alaska
DECIDED	October 31, 2008
DOCKET	S-12615
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Beegan appealed a superior court summary judgment dismissing his claims for back pay and noneconomic damages arising from retaliatory failures to hire, as well as alternative common-law public-policy retaliation and Whistleblower Act claims.
STANDARD OF REVIEW	Summary judgment is reviewed de novo, with affirmance appropriate only when the record presents no genuine issue of material fact and the movant is entitled to judgment as a matter of law; reasonable inferences are drawn in favor of the nonmovant. Questions of law, including collateral estoppel, res judicata, and statutes of limitations, are also reviewed de novo.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Dennis J. Beegan v. State of Alaska, Department of Transportation & Public Facilities, Anchorage International Airport, Leo Von Scheben, Commissioner, in his Official Capacity

TOPICS

retaliation

employment law

statute of limitations

res judicata

summary judgment

PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether collateral estoppel or res judicata barred Beegan's superior-court claim for back pay damages after the Commission had not decided that claim.
2. Whether collateral estoppel or res judicata barred Beegan's claim for noneconomic damages that were unavailable before the Commission.
3. Whether Beegan waived his noneconomic-damages claim under Alaska's liberal pleading standard.
4. Whether equitable tolling saved Beegan's noneconomic-damages claim from the applicable statute of limitations.
5. Whether Beegan's common-law public-policy retaliation and Whistleblower Act claims were viable.

HOLDINGS

1. Neither collateral estoppel nor res judicata barred Beegan's back-pay damages claim because the Commission did not decide the claim and Beegan lacked a full and fair opportunity to litigate it there.
2. Neither collateral estoppel nor res judicata barred Beegan's claim for noneconomic damages because the Commission did not decide that claim and lacked authority to award noneconomic damages under AS 18.80.
3. Beegan did not waive his noneconomic-damages claim because his amended complaint alleged noneconomic losses resulting from the retaliatory failure to hire and satisfied Alaska Civil Rule 8(a).
4. Equitable tolling applied and the statute of limitations did not bar Beegan's noneconomic-damages claim because he reasonably and in good faith pursued another available remedy, DOTPF had timely notice, and DOTPF was not prejudiced.

KEY QUOTATIONS

"But Beegan's request for back pay damages, whether viewed as an issue or a claim, has never been resolved." (138)

"Because the Commission did not decide the question of back pay damages, there was no final order on back pay damages for Beegan to appeal." (140)

"Plainly, the remedial powers that th[e] statute grants to the superior court are broader than the specific powers that AS 18.80.130 grants to the Commission." (141)

"The general principle underlying the equitable tolling doctrine: "[I]f the defendant is not prejudiced thereby, the running of the limitations period is tolled when an injured person has several legal remedies and,

reasonably and in good faith, pursues one.” (143)

FACTUAL BACKGROUND

Beegan, a temporary maintenance electrician for DOTPF, repeatedly applied for permanent electrician positions and was rejected after filing age-discrimination complaints with the Alaska State Commission for Human Rights. The Commission found that several later rejections were retaliatory, but it did not address back pay and could not award noneconomic damages. Beegan subsequently sued DOTPF in superior court for back pay and noneconomic damages, among other relief.

PROCEDURAL HISTORY

Beegan prevailed before the Alaska State Commission for Human Rights on claims that DOTPF retaliated against him for filing age-discrimination complaints, but the Commission did not award damages and did not decide back pay. He later filed an action in superior court seeking damages and other relief. The superior court converted DOTPF's motion for judgment on the pleadings into a summary judgment motion after considering Commission materials, dismissed the claims, and denied reconsideration. The Alaska Supreme Court reversed and remanded for determination of back pay and noneconomic damages, declining to reach the alternative public-policy retaliation and Whistleblower Act theories.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand for determination at trial of Beegan's back-pay and noneconomic damages claims.

CASES CITED

- Matanuska Electric Ass'n v. Chugach Electric Ass'n, 152 P.3d 460, 465 (Alaska 2007)
- Law Offices of Steven D. Smith, P.C. v. Borg-Warner Security Corp., 993 P.2d 436, 443 (Alaska 1999)
- McElroy v. Kennedy, 74 P.3d 903, 906, 909 (Alaska 2003)
- Johnson v. Alaska State Department of Fish & Game, 836 P.2d 896, 906-09, 914 (Alaska 1991)
- Sengupta v. University of Alaska, 21 P.3d 1240, 1253 (Alaska 2001)
- Robertson v. American Mechanical, Inc., 54 P.3d 777, 780 (Alaska 2002)
- McDowell v. State, 23 P.3d 1165, 1167 n.9 (Alaska 2001)
- Osborne v. Buckman, 993 P.2d 409, 412 (Alaska 1999)
- Gandy v. Wal-Mart Stores, Inc., 117 N.M. 441, 872 P.2d 859, 862-63 (1994)
- Harrison County Board of Education v. Carson-Leggett, 195 W. Va. 596, 466 S.E.2d 447, 449-51 (1995)
- McDaniel v. Cory, 631 P.2d 82, 88 (Alaska 1981)
- Dayhoff v. Temsco Helicopters, Inc., 772 P.2d 1085, 1087-88 & n.7 (Alaska 1989)
- Gudenau & Co. v. Sweeney Insurance, 736 P.2d 763, 768 (Alaska 1987)

- Fred Meyer of Alaska, Inc. v. Bailey, 100 P.3d 881, 886 (Alaska 2004)
- Daviton v. Columbia/HCA Healthcare Corp., 241 F.3d 1131, 1133-34, 1141-42 (9th Cir. 2001)
- Collier v. City of Pasadena, 142 Cal. App. 3d 917, 921, 935, 191 Cal. Rptr. 681 (1983)
- Tu-Vu Drive-In Corp. v. Davies, 66 Cal. 2d 435, 58 Cal. Rptr. 105, 426 P.2d 505, 506 (1967)
- Elkins v. Derby, 12 Cal. 3d 410, 115 Cal. Rptr. 641, 525 P.2d 81, 84, 88 (1974)
- Martinez v. Orr, 738 F.2d 1107, 1110 (10th Cir. 1984)
- Robinson v. Central Brass Manufacturing Co., 987 F.2d 1235, 1243-44 (6th Cir. 1993)

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