

SUPREME COURT OF KANSAS

Bracken v. Dixon Industries, Inc., 272 Kan. 1272

38 P.3d 679 (2002) · No. No. 86,479 · Decided January 25, 2002

SUMMARY

The Supreme Court of Kansas affirmed summary judgment for Dixon Industries in Ruth Bracken’s retaliatory discharge action. The court held that Bracken failed to show evidence that Dixon’s stated reason for termination—violation of its uniformly applied drug-testing policy—was a pretext for retaliation related to a workers compensation claim. The court also addressed the summary judgment standard and the burden-shifting framework for retaliatory discharge claims.

CASE DETAILS

COURT	Supreme Court of Kansas
WRITING FOR THE COURT	Justice Lockett; Chief Judge Brazil, assigned; Justice Davis, not participating
JURISDICTION	Kansas
DECIDED	January 25, 2002
DOCKET	No. 86,479
DISPOSITION	affirmed
PROCEDURAL POSTURE	Employee appealed the district court's grant of summary judgment to her employer in a retaliatory discharge action based on alleged retaliation for pursuing or anticipating a workers compensation claim.
STANDARD OF REVIEW	The Supreme Court applied the same summary judgment standards as the district court, viewing facts and reasonable inferences in the light most favorable to the nonmoving party and determining whether reasonable minds could differ as to the conclusions drawn from the evidence.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Kansas
PARTIES	Ruth A. Bracken v. Dixon Industries, Inc.

TOPICS

- retaliation
- workers compensation
- summary judgment
- employment at-will
- appellate procedure

PRACTICE AREAS

Employment law

Workers compensation

Civil procedure

QUESTIONS PRESENTED

1. Whether the district court properly granted summary judgment against Bracken's retaliatory discharge claim.
2. Whether Bracken presented sufficient evidence of a causal connection between her work-related injury or anticipated workers compensation claim and her discharge to create a triable issue of pretext.
3. Whether the timing of the drug testing and discharge, alleged irregularities in Dixon's treatment of her workers compensation claim, and asserted inconsistent application of the drug policy created a genuine issue of material fact.

HOLDINGS

1. Summary judgment is proper when the record shows no genuine issue of material fact and the moving party is entitled to judgment as a matter of law; the court views facts and reasonable inferences in favor of the nonmoving party, but the nonmoving party must present evidence of a material factual dispute.
2. A plaintiff asserting retaliatory discharge for filing or anticipating a workers compensation claim must establish a prima facie case consisting of a protected claim or work-related injury, employer knowledge, termination, and a causal connection. After a prima facie case, the employer must produce a legitimate, nondiscriminatory reason, and the plaintiff must present specific facts showing that the reason is pretextual.
3. Bracken's evidence did not create a genuine issue of material fact concerning retaliatory motive because Dixon's drug-testing policy was known to Bracken, was triggered by her visit to the company doctor, was uniformly applied, and was supported by the positive test and her admission.

KEY QUOTATIONS

"Summary judgment is appropriate when the pleadings, depositions answers to interrogatories, and admissions on file, together with the affidavits, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law." (272 Kan. at 1275)

"Under the employment-at-will doctrine, an employer can terminate an employee 'for good cause, for no cause, or even for a wrong cause, without incurring liability to the employee for wrongful discharge.'" (272 Kan. at 1275)

"There is no inference of discriminatory intent in Dixon's actions." (272 Kan. at 1279)

FACTUAL BACKGROUND

Dixon maintained a drug-testing policy requiring testing in specified circumstances, including when an employee went to the company doctor, and providing for termination after a positive test or admission of being under the influence. After 18 years of employment, Bracken sought time off to obtain medical attention for pain in her hands and arms and, at her supervisor's recommendation, saw Dixon's company doctor on April 12, 1995.

Her urine tested positive for cannabis, a confirmatory test was also positive, and she admitted smoking marijuana the night before; Dixon discharged her on April 21 pursuant to its policy. Bracken claimed the drug policy was a pretext for terminating her because Dixon anticipated that she would file a workers compensation claim.

PROCEDURAL HISTORY

Bracken alleged that Dixon discharged her in retaliation for a work-related injury and anticipated workers compensation claim. The district court found that the material facts were undisputed, determined that Dixon discharged Bracken for violating its no-drug policy rather than in retaliation, and granted Dixon's motion for summary judgment. The Supreme Court of Kansas affirmed.

DISPOSITION

affirmed

CASES CITED

- Bergstrom v. Noah, 266 Kan. 847, 871-72, 974 P.2d 531 (1999)
- Morriss v. Coleman Co., 241 Kan. 501, 508, 738 P.2d 841 (1987)
- Murphy v. City of Topeka, 6 Kan. App. 2d 488, 630 P.2d 186 (1981)
- Coleman v. Safeway Stores, Inc., 242 Kan. 804, 752 P.2d 645 (1988)
- Huffman v. Ace Electric Co., Inc., 883 F. Supp. 1469, 1475 (D. Kan. 1994)
- Chaparro v. IBP, Inc., 873 F. Supp. 1465, 1472 (D. Kan. 1995)
- Rosas v. IBP, Inc., 869 F. Supp. 912, 916 (D. Kan. 1994)
- Ingels v. Thiokol Corp., 42 F.3d 616, 621 (10th Cir. 1994)
- Branson v. Price River Coal Co., 853 F.2d 768, 771 (10th Cir. 1988)
- Ortega v. IBP, Inc., 255 Kan. 513, 519, 526, 874 P.2d 1188 (1994)
- Rea v. Martin Marietta Corp., 29 F.3d 1450, 1455 (10th Cir. 1994)
- Hooks v. Diamond Crystal Specialty Foods, Inc., 997 F.2d 793, 798 (10th Cir. 1993)
- Buchanan v. Sherrill, 51 F.3d 227, 229 (10th Cir. 1995)
- Jones v. Unisys Corp., 54 F.3d 624, 630 (10th Cir. 1995)
- Rebarchek v. Farmers Cooperative Elevator & Mercantile Ass'n, 272 Kan. 546, Syl. ¶ 6, 35 P.3d 892 (2001)
- Blackwell v. Shelter Mutual Insurance Co., 109 F.3d 1550 (10th Cir. 1997)
- Lay v. Horizon/CMS Healthcare Corp., 60 F. Supp. 2d 1234 (D. Kan. 1999)