

COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT,
CUYAHOGA COUNTY

Selzer v. Union Home Mortgage Corporation

2026-Ohio-38 · No. 114959 · Decided January 8, 2026

SUMMARY

The Ohio Eighth District Court of Appeals reversed summary judgment for Union Home Mortgage Corporation in an age-discrimination action brought by former employee Greg Selzer. The court held that evidence concerning Selzer’s proximity to retirement, including retirement-related comments by decision makers and an email identifying his retirement as a termination factor, created a genuine issue of material fact under the direct-evidence method of proof.

CASE DETAILS

COURT	Court of Appeals of Ohio, Eighth Appellate District, Cuyahoga County
WRITING FOR THE COURT	William A. Klatt, J.; Michael John Ryan, J.; Eileen T. Gallagher, P.J.
JURISDICTION	Court of Appeals of Ohio, Eighth Appellate District, Cuyahoga County
DECIDED	January 8, 2026
DOCKET	114959
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Employee appealed the trial court's grant of summary judgment to his former employer on an age-discrimination claim under Ohio Revised Code Chapter 4112.
STANDARD OF REVIEW	De novo review of summary judgment; the appellate court independently reviews the record, affords no deference to the trial court, and construes evidence most strongly in favor of the nonmoving party.
PRECEDENTIAL VALUE	published
PARTIES	Greg Selzer v. Union Home Mortgage Corporation

TOPICS

- age discrimination
- employment discrimination
- summary judgment
- standard of review
- appellate procedure

PRACTICE AREAS

employment law

civil rights

QUESTIONS PRESENTED

1. Whether the trial court erred by failing to evaluate Selzer's evidence under the direct method of proving age discrimination.
2. Whether Selzer established a prima facie case of age discrimination through indirect evidence.
3. Whether the trial court erred by failing to consider Selzer's evidence that the employer's stated reasons were pretextual.

HOLDINGS

1. Summary judgment was improper because Selzer presented evidence from which a jury could find that age discrimination was at least a motivating factor in his termination, creating a genuine issue of material fact.
2. The issue was moot because Selzer's direct evidence of age discrimination was sufficient to withstand summary judgment and establish a prima facie case.
3. The pretext issue was moot because the direct-evidence method was sufficient to defeat summary judgment.

KEY QUOTATIONS

"A party is entitled to summary judgment pursuant to Civ.R. 56(C) if "the pleadings, depositions, answers to interrogatories, written admissions, affidavits, transcripts of evidence, and written stipulations of fact, if any, timely filed in the action, 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." " (¶ 14)

"The direct evidence method, contrary to its name, can utilize either direct or circumstantial evidence 'to show that an employer more likely than not was motivated by discriminatory intent.' " (¶ 19)

"To successfully utilize the direct-evidence method, Selzer must have presented evidence that, if believed by a jury, would prove that UHM acted with discriminatory intent." " (¶ 20)

"Viewing the evidence in the light most favorable to Selzer as we are required to do pursuant to Civ.R. 56, Selzer has created a genuine issue of material fact such that reasonable minds could disagree as to whether Selzer suffered age discrimination." " (¶ 24)

FACTUAL BACKGROUND

Union Home Mortgage Corporation terminated Greg Selzer in March 2022 under the asserted pretext of a reduction in force. Selzer was 64 years old and alleged that the company hired a less-qualified 31-year-old employee five months before his termination to replace him. Before and around the termination decision, supervisors repeatedly asked Selzer about his retirement plans, and a vice president involved in the decision emailed that Selzer "keeps saying he will retire but hasn't." A company representative testified that Selzer's proximity to retirement was a factor considered in placing him on the termination list.

PROCEDURAL HISTORY

Selzer filed an age-discrimination complaint against Union Home Mortgage Corporation in the Cuyahoga County Court of Common Pleas. The employer moved for summary judgment, which the trial court granted, concluding that Selzer could not establish a prima facie case of age discrimination, and dismissed the case with prejudice. The Court of Appeals reversed and remanded, holding that evidence of discriminatory intent created a genuine issue of material fact.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case was remanded to the trial court for proceedings consistent with the appellate opinion.

CASES CITED

- Leeds v. Weltman, Weinberg & Reis Co., L.P.A., 2021-Ohio-4123, ¶¶ 35-37 (8th Dist.)
- Cleveland Elec. Illum. Co. v. Cleveland, 2020-Ohio-4469, ¶¶ 13-15 (8th Dist.)
- Baiko v. Mays, 140 Ohio App.3d 1, 10 (8th Dist. 2000)
- N.E. Ohio Apt. Assn. v. Cuyahoga Cty. Bd. of Commrs., 121 Ohio App.3d 188, 192 (8th Dist. 1997)
- Bohan v. McDonald Hopkins, L.L.C., 2021-Ohio-4131, ¶ 19 (8th Dist.)
- Horton v. Harwick Chem. Corp., 73 Ohio St.3d 679 (1995)
- Edvon v. Morales, 2018-Ohio-5171, ¶ 17
- Dresher v. Burt, 75 Ohio St.3d 280, 292 (1996)
- Kiser v. United Dairy Farmers, 2023-Ohio-2136, ¶ 14 (10th Dist.)
- Gibbs v. Mark Porter Autoplex, 2023-Ohio-3460, ¶ 15 (4th Dist.)
- Murphy v. Reynoldsburg, 1992-Ohio-95
- Karsnak v. Chess Fin. Corp., 2012-Ohio-1359, ¶¶ 14-15, 20, 36 (8th Dist.)
- Dobozy v. Gentek Bldg. Prods., 2000 Ohio App. LEXIS 5469, *8 (8th Dist. Nov. 22, 2000)
- Mauzy v. Kelly Servs., Inc., 1996-Ohio-265, ¶¶ 15-16, 29
- Nagle v. Calumet Park, 554 F.3d 1106, 1114 (7th Cir. 2009)
- Sharp v. Aker Plant Servs. Group, 726 F.3d 789, 800 (6th Cir. 2013)
- Grubach v. Univ. of Akron, 2020-Ohio-3467, ¶¶ 51-52 (10th Dist.)
- Ceglia v. Youngstown State Univ., 2015-Ohio-2125, ¶¶ 16-17 (10th Dist.)
- Scott v. Potter, 182 Fed. Appx. 521, 526 (6th Cir. 2006)
- McDonnell Douglas Corp. v. Green, 411 U.S. 792 (1973)
- Barker v. Scovill, Inc., Schrader Bellows Div., 6 Ohio St.3d 146 (1983)
- Wang v. Goodyear Tire & Rubber Co., 68 Ohio App.3d 13, 16 (9th Dist. 1990)
- Kohmescher v. Kroger Co., 61 Ohio St.3d 501, 505 (1991)

- Trans World Airlines, Inc. v. Thurston, 469 U.S. 111, 121 (1985)

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