

UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT

Walsh v. HNTB Corporation

No. 24-1499 (1st Cir. Mar. 13, 2026) · No. No. 24-1499 · Decided March 13, 2026

SUMMARY

The First Circuit held that Joanne Walsh's appeal was timely because her pro se motion to extend the notice-of-appeal deadline functionally constituted a notice of appeal under Federal Rule of Appellate Procedure 3. On the merits, the court affirmed summary judgment for HNTB, concluding that the performance improvement plan, alleged loss of pay raises and job duties, and asserted constructive discharge did not constitute actionable adverse employment actions under the ADEA or Massachusetts Chapter 151B, even applying the standard from *Muldrow v. City of St. Louis*.

CASE DETAILS

COURT	United States Court of Appeals for the First Circuit
WRITING FOR THE COURT	Aframe, Circuit Judge; Montecalvo, Circuit Judge; Rikelman, Circuit Judge
JURISDICTION	United States Court of Appeals for the First Circuit
DECIDED	March 13, 2026
DOCKET	No. 24-1499
DISPOSITION	affirmed
PROCEDURAL POSTURE	Walsh appealed the district court's grant of summary judgment for HNTB on her federal and state age-discrimination claims. HNTB challenged the timeliness of the appeal, and the First Circuit addressed timeliness before reaching the merits.
STANDARD OF REVIEW	De novo review of the grant of summary judgment. Summary judgment is proper when the undisputed material facts, viewed in the light most favorable to the nonmoving party, show that the movant is entitled to judgment as a matter of law.
PRECEDENTIAL VALUE	published
PARTIES	Joanne Walsh v. HNTB Corporation

TOPICS

- age discrimination
- constructive discharge
- appellate procedure
- standard of review
- employment law

PRACTICE AREAS

employment law

civil rights

appellate procedure

QUESTIONS PRESENTED

1. Whether Walsh's timely pro se motion to extend the notice-of-appeal deadline was the functional equivalent of a notice of appeal under Federal Rules of Appellate Procedure 3 and 4.
2. Whether HNTB's performance improvement plan, alleged cessation of pay raises, or alleged reduction in job duties constituted adverse employment actions under the ADEA and Massachusetts General Laws chapter 151B after *Muldrow v. City of St. Louis*.
3. Whether Walsh presented sufficient evidence that she was constructively discharged.
4. Whether the district court properly granted summary judgment for HNTB on Walsh's age-discrimination claims.

HOLDINGS

1. A timely motion to extend the notice-of-appeal deadline may constitute the functional equivalent of a notice of appeal when, considering its content and surrounding circumstances, it demonstrates an intent to appeal and provides the pertinent information required by Federal Rule of Appellate Procedure 3(c) (1). Walsh's January 19 motion satisfied those requirements, so the appeal was timely.
2. Under the *Muldrow* standard, a performance improvement plan is not automatically an adverse employment action; whether it is actionable depends on whether the particular plan left the employee worse off with respect to the terms or conditions of employment. Walsh's plan was not an adverse employment action because it did not alter her duties, title, compensation, or advancement opportunities.
3. Walsh failed to show that the absence of pay raises or alleged loss of job duties constituted adverse employment actions. The pay-raise theory was waived and unsupported on the merits, and the job-duty theory was conclusory and unsupported by evidence identifying duties she actually lost.
4. Walsh was not constructively discharged because the evidence, viewed holistically, would not permit a reasonable factfinder to conclude that her working conditions became so onerous, abusive, or unpleasant that a reasonable person would have felt compelled to resign.

KEY QUOTATIONS

"Thus, regardless of how a filing is styled, it will constitute the 'functional equivalent' of a notice of appeal ' [i]f [the] document [was] filed within the time specified by Rule 4 [and] gives the notice required by Rule 3.' " (at 3)

"Post-Muldrow, then, there is no one-size-fits-all answer for whether a PIP constitutes an adverse employment action. Rather, the inquiry is fact-intensive and PIP-specific." (at 17)

"An employee's resignation morphs into a constructive discharge when 'the working conditions . . . become so onerous, abusive, or unpleasant that a reasonable person in the employee's position would have felt compelled to resign.' " (at 21)

FACTUAL BACKGROUND

Joanne Walsh worked for HNTB from 1994 until her resignation in September 2020. In August 2019, HNTB placed Walsh on a three-month performance improvement plan addressing perceived performance and interpersonal deficiencies; she successfully completed the plan, although her supervisor said she had barely improved enough to do so. Walsh later alleged that age-related comments, changes in supervision and duties, and other workplace conduct rendered her working conditions intolerable, but she was not demoted, did not receive a pay reduction, was not told to leave, and resigned approximately ten months after completing the plan.

PROCEDURAL HISTORY

Walsh sued HNTB in Massachusetts state court under the Age Discrimination in Employment Act, Massachusetts General Laws chapter 151B, and state law concerning the implied covenant of good faith and fair dealing. HNTB removed the action to the District of Massachusetts and moved for summary judgment after discovery. The district court granted summary judgment for HNTB on December 21, 2023. Walsh filed a pro se motion to extend the appeal deadline within the original thirty-day period, obtained additional extensions, and filed a formal notice of appeal on May 15, 2024. The First Circuit held the appeal timely and affirmed the judgment as to the age-discrimination claims.

DISPOSITION

affirmed

CASES CITED

- Smith v. Barry, 502 U.S. 244, 248-49 (1992)
- Campiti v. Matesanz, 333 F.3d 317, 320 (1st Cir. 2003)
- Cruzado v. Alves, 89 F.4th 64, 70-73 (1st Cir. 2023)
- Gonpo v. Sonam's Stonewalls & Art, LLC, 41 F.4th 1, 10-11 (1st Cir. 2022)
- Johansen v. Liberty Mut. Grp., 118 F.4th 142, 148 (1st Cir. 2024)
- Escribano-Reyes v. Pro. Hepa Certificate Corp., 817 F.3d 380, 386 (1st Cir. 2016)
- Del Valle-Santana v. Servicios Legales de P.R., Inc., 804 F.3d 127, 129-30 (1st Cir. 2015)
- Adamson v. Walgreens Co., 750 F.3d 73, 83 (1st Cir. 2014)
- Bennett v. Saint-Gobain Corp., 507 F.3d 23, 30 (1st Cir. 2007)
- McDonnell Douglas Corp. v. Green, 411 U.S. 792, 802-05 (1973)
- Muldrow v. City of St. Louis, 601 U.S. 346, 353-56 (2024)
- Morales-Valllellanes v. Potter, 605 F.3d 27, 35 (1st Cir. 2010)
- Burlington Indus., Inc. v. Ellerth, 524 U.S. 742, 761 (1998)
- Marrero v. Goya of P.R., Inc., 304 F.3d 7, 23, 28 (1st Cir. 2002)
- Cherkaoui v. City of Quincy, 877 F.3d 14, 25, 30 (1st Cir. 2017)
- Caraballo-Caraballo v. Corr. Admin., 892 F.3d 53, 61 (1st Cir. 2018)
- Rios v. Centerra Grp., Inc., 106 F.4th 101, 112 n.4 (1st Cir. 2024)

- Yee v. Mass. State Police, 121 N.E.3d 155, 161-62 (Mass. 2019)
- O'Horo v. Bos. Med. Ctr. Corp., 131 F.4th 1, 18 n.7 (1st Cir. 2025)
- Arnold v. United Airlines, Inc., 142 F.4th 460, 467-71 (7th Cir. 2025)
- Anderson v. Amazon.com, Inc., 23-cv-8347(AS), 2024 WL 2801986, at *11-12 (S.D.N.Y. May 31, 2024)
- McNeal v. City of Blue Ash, 117 F.4th 887, 903 (6th Cir. 2024)
- Murray v. Warren Pumps, LLC, 821 F.3d 77, 89 (1st Cir. 2016)
- Milczak v. Gen. Motors, LLC, 102 F.4th 772, 786 (6th Cir. 2024)
- Geoffroy v. Town of Winchendon, 959 F.3d 1, 7 n.5 (1st Cir. 2020)
- Mancini v. City of Providence, 909 F.3d 32, 44 (1st Cir. 2018)
- Suárez v. Pueblo Int'l, Inc., 229 F.3d 49, 54-56 (1st Cir. 2000)
- Stratton v. Bentley Univ., 113 F.4th 25, 38-40 (1st Cir. 2024)
- Torrech-Hernández v. Gen. Elec. Co., 519 F.3d 41, 51-52 (1st Cir. 2008)
- Calhoun v. Acme Cleveland Corp., 798 F.2d 559, 562-63 (1st Cir. 1986)
- Landrau-Romero v. Banco Popular de P.R., 212 F.3d 607, 613 (1st Cir. 2000)
- Gerald v. Univ. of P.R., 707 F.3d 7, 25 (1st Cir. 2013)
- Roman v. Potter, 604 F.3d 34, 42 (1st Cir. 2010)
- Ahern v. Shinseki, 629 F.3d 49, 59 (1st Cir. 2010)
- Rivera-Rivera v. Medina & Medina, Inc., 898 F.3d 77, 97 (1st Cir. 2018)