

UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA  
CIRCUIT

**Chappell-Johnson v. Bair**

358 F. App'x 200 (D.C. Cir. 2009) · Decided December 22, 2009

SUMMARY

The D.C. Circuit affirmed summary judgment for the Federal Deposit Insurance Corporation in an employment discrimination and retaliation case. The court held that the plaintiff failed to present sufficient evidence that the FDIC's stated reason for not selecting her was pretextual or that the decision resulted from discrimination based on age or sex or retaliation for prior protected activity.

CASE DETAILS

|                       |                                                                                                                                                                                                                                         |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States Court of Appeals for the District of Columbia Circuit                                                                                                                                                                     |
| WRITING FOR THE COURT | Per curiam; Brown; Kavanaugh; Williams                                                                                                                                                                                                  |
| JURISDICTION          | Federal                                                                                                                                                                                                                                 |
| DECIDED               | December 22, 2009                                                                                                                                                                                                                       |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                |
| PROCEDURAL POSTURE    | Appeal from the United States District Court for the District of Columbia after summary judgment for the Federal Deposit Insurance Corporation.                                                                                         |
| STANDARD OF REVIEW    | Summary judgment is overcome only by sufficient evidence for a reasonable jury to find that the employer's asserted nondiscriminatory reason was not the actual reason and that the employer intentionally discriminated or retaliated. |
| PRECEDENTIAL VALUE    | Nonprecedential unpublished disposition under D.C. Circuit Rule 36.                                                                                                                                                                     |
| PARTIES               | Chappell-Johnson v. Bair                                                                                                                                                                                                                |

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## QUESTIONS PRESENTED

1. Whether Chappell-Johnson produced sufficient evidence that the FDIC's legitimate, nondiscriminatory explanation for not selecting her was pretextual and that the non-selection resulted from age or sex discrimination.
2. Whether Chappell-Johnson produced sufficient evidence that the FDIC retaliated against her for filing a prior discrimination complaint.

## HOLDINGS

1. Chappell-Johnson failed to produce sufficient evidence for a reasonable jury to conclude that the FDIC's stated reason for selecting other candidates was pretextual or that the non-selection was the product of intentional discrimination.
2. Chappell-Johnson failed to produce sufficient evidence for a reasonable jury to conclude that the FDIC retaliated against her for filing a prior discrimination complaint.

## KEY QUOTATIONS

*"In short, ChappellJohnson has not produced evidence sufficient to allow a reasonable jury to conclude that her non-selection was the product of discrimination or retaliation." (202)*

## FACTUAL BACKGROUND

Chappell-Johnson applied for a Human Resources Specialist position at the Federal Deposit Insurance Corporation but was not selected. The hiring committee narrowed the applicant pool to two candidates, and Chappell-Johnson was not among them before the selecting official became involved. She alleged that the non-selection resulted from age and sex discrimination and retaliation for a prior discrimination complaint, relying on alleged procedural deviations, superior qualifications, subjective selection criteria, and the selecting official's knowledge of her prior complaint.

## PROCEDURAL HISTORY

Chappell-Johnson challenged her non-selection for a Human Resources Specialist position, alleging age and sex discrimination and retaliation for a prior discrimination complaint. The district court entered judgment against her, and she appealed. The D.C. Circuit affirmed the district court's judgment.

## DISPOSITION

affirmed

## CASES CITED

- Brady v. Office of Sergeant at Arms, 520 F.3d 490, 494 (D.C. Cir. 2008)
- George v. Leavitt, 407 F.3d 405, 413 (D.C. Cir. 2005)
- Johnson v. Lehman, 679 F.2d 918, 922 (D.C. Cir. 1982)
- Holcomb v. Powell, 433 F.3d 889, 897 (D.C. Cir. 2006)

- Jackson v. Gonzales, 496 F.3d 703, 709 (D.C. Cir. 2007)

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