

SUPREME COURT OF TEXAS

Sabine Pilot Service, Inc. v. Hauck

687 S.W.2d 733 (Tex. 1985) · No. No. C-3312 · Decided April 3, 1985

SUMMARY

The Supreme Court of Texas affirmed the court of appeals’ reversal of summary judgment for Sabine Pilot Service, Inc. in an employee’s wrongful-discharge action. The court recognized a narrow public-policy exception to employment at will when an employee is discharged solely for refusing to perform an illegal act, and placed on the employee the burden of proving that reason by a preponderance of the evidence.

CASE DETAILS

COURT	Supreme Court of Texas
WRITING FOR THE COURT	Wallace, Justice; Kilgarlin, Justice; Ray, Justice
JURISDICTION	Texas
DECIDED	April 3, 1985
DOCKET	No. C-3312
DISPOSITION	affirmed
PROCEDURAL POSTURE	Employee brought a wrongful-discharge action alleging he was fired for refusing to perform an illegal act. The trial court granted the employer's motion for summary judgment; the court of appeals reversed and remanded for trial; the Supreme Court of Texas affirmed the court of appeals.
STANDARD OF REVIEW	On review of summary judgment, the court accepts the nonmovant's version of the evidence as true, draws every reasonable inference in the nonmovant's favor, and requires the movant to establish as a matter of law that no genuine issue of material fact exists.
PRECEDENTIAL VALUE	published precedential opinion of the Supreme Court of Texas
PARTIES	Sabine Pilot Service, Inc. v. Michael Andrew Hauck

TOPICS

- wrongful termination
- employment at-will
- employment law
- summary judgment
- civil procedure

PRACTICE AREAS

employment law

wrongful termination

civil procedure

remedies

QUESTIONS PRESENTED

1. Whether an employee's allegation that he was discharged solely for refusing to perform an illegal act states a cause of action under Texas law.
2. Whether summary judgment for the employer was proper when the employee presented evidence that he was discharged for refusing to perform an illegal act.

HOLDINGS

1. Texas public policy, as expressed in state and federal laws carrying criminal penalties, creates a narrow exception to the employment-at-will doctrine for an employee discharged for the sole reason that the employee refused to perform an illegal act.
2. The employee must prove by a preponderance of the evidence that the discharge was for no reason other than the employee's refusal to perform an illegal act.
3. Summary judgment was improper because the employee's evidence, viewed in his favor, presented a legally cognizable claim and a fact issue concerning the reason for his discharge.

KEY QUOTATIONS

"We now hold that public policy, as expressed in the laws of this state and the United States which carry criminal penalties, requires a very narrow exception to the employment-at-will doctrine announced in East Line & R.R.R. Co. v. Scott. That narrow exception covers only the discharge of an employee for the sole reason that the employee refused to perform an illegal act." (735)

"We further hold that in the trial of such a case it is the plaintiff's burden to prove by a preponderance of the evidence that his discharge was for no reason other than his refusal to perform an illegal act." (735)

FACTUAL BACKGROUND

Michael Andrew Hauck worked as a deckhand for Sabine Pilot Service, Inc. and was instructed to pump the bilges of the boat into the water. After observing a placard stating that such conduct was illegal and confirming the illegality with a United States Coast Guard officer, Hauck refused to perform the task. Hauck testified that he was fired for refusing to pump the bilges illegally, while Sabine asserted that he was discharged for refusing to perform other duties and for other derelictions.

PROCEDURAL HISTORY

The trial court rendered summary judgment for Sabine Pilot Service, Inc. The court of appeals reversed and remanded the case for trial. The Supreme Court of Texas affirmed, holding that Hauck stated a legally cognizable wrongful-discharge cause of action.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The case proceeds to trial in accordance with the court of appeals' remand. The employee must prove by a preponderance of the evidence that the discharge was solely because of his refusal to perform an illegal act.

CASES CITED

- *Gulbenkian v. Penn*, 151 Tex. 412, 252 S.W.2d 929 (1952)
- *City of Houston v. Clear Creek Basin Authority*, 589 S.W.2d 671 (Tex. 1979)
- *East Line & R.R.R. Co. v. Scott*, 72 Tex. 70, 10 S.W. 99 (1888)
- *Brockmeyer v. Dun & Bradstreet*, 113 Wis. 2d 561, 335 N.W.2d 834 (1983)
- *Parnar v. Americana Hotels, Inc.*, 65 Haw. 370, 652 P.2d 625 (1982)
- *Thompson v. St. Regis Paper Co.*, 102 Wash. 2d 219, 685 P.2d 1081 (1984)
- *Monge v. Beebe Rubber Co.*, 114 N.H. 130, 316 A.2d 549 (1974)
- *Fortune v. National Cash Register Co.*, 373 Mass. 96, 364 N.E.2d 1251 (1977)
- *Carnation Co. v. Borner*, 610 S.W.2d 450 (Tex. 1980)

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