

SUPREME COURT OF VERMONT

Griffis v. Cedar Hill Health Care Corp.

967 A.2d 1141 (Vt. 2008) · No. No. 07-282 · Decided September 19, 2008

SUMMARY

The Vermont Supreme Court affirmed judgment for Cedar Hill Health Care Corporation in Dawn Griffis's whistleblower-retaliation action. The court held that the record supported the trial court's finding that Griffis was terminated for insubordination and performance-related reasons rather than for protected complaints, and it rejected her challenges concerning the McDonnell Douglas framework, Rule 52 findings, and evidentiary exclusions.

CASE DETAILS

COURT	Supreme Court of Vermont
WRITING FOR THE COURT	Burgess, J.; Dooley, J.; Johnson, J.; Skoglund, J.; Pearson, Supr. J., specially assigned
JURISDICTION	Vermont
DECIDED	September 19, 2008
DOCKET	No. 07-282
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiff appealed to the Vermont Supreme Court from a superior court judgment entered after a bench trial in favor of her former employer on her Vermont Whistleblower Act retaliation claim.
STANDARD OF REVIEW	The Supreme Court reviewed the record to determine whether a basis existed for the trial court's conclusions, deferred to the trial court's credibility determinations and weighing of evidence, and reviewed evidentiary rulings for abuse of discretion with resulting prejudice. Findings not specifically challenged as clearly erroneous were not reached.
PRECEDENTIAL VALUE	Published Vermont Supreme Court opinion; precedential.
PARTIES	Dawn Griffis v. Cedar Hill Health Care Corporation

TOPICS

- whistleblower
- retaliation
- employment law
- appellate procedure
- evidence

PRACTICE AREAS

employment law

health law

appellate procedure

evidence

QUESTIONS PRESENTED

1. Whether the superior court properly applied the McDonnell Douglas burden-shifting framework and correctly concluded that Griffis failed to prove causation or pretext under the Vermont Whistleblower Act.
2. Whether the superior court's findings of fact and conclusions of law were legally insufficient under Vermont Rule of Civil Procedure 52.
3. Whether the superior court improperly excluded evidence relevant to the context and circumstances surrounding Griffis's demotion and termination.

HOLDINGS

1. The plaintiff failed to prove that her termination was caused by protected activity or that Cedar Hill's stated reasons were pretextual; the record supported the conclusion that she was terminated for insubordination and other legitimate, nonretaliatory reasons.
2. The superior court's findings and conclusions were sufficient because, although the court could have more expressly linked its conclusions to its findings, the record made clear that insubordination and usurpation of unassigned responsibilities were legitimate grounds for termination and that the retaliation claim failed.
3. The superior court properly excluded the proffered evidence as irrelevant, and Griffis failed to show either an abuse of discretion or prejudice sufficient to warrant reversal.

KEY QUOTATIONS

“Under the McDonnell Douglas framework, a plaintiff must first establish, by a preponderance of the evidence, a prima facie case of retaliation.” (1146)

“The question before us on appeal is not whether there was a basis upon which the court might have reached a different conclusion, but whether there was a basis in the record upon which the court could reach the conclusion it did.” (1147)

“Rulings on the admission or exclusion of evidence are highly discretionary, and we will reverse only where discretion has been abused or withheld and prejudice has resulted.” (1148)

FACTUAL BACKGROUND

Dawn Griffis was employed as Cedar Hill's Director of Nursing Services and later received additional consulting responsibilities at related facilities. She repeatedly disputed the authority structure, made staffing changes without authorization, confronted a coworker about qualifications despite having no supervisory authority, and clashed with supervisors over management and meeting issues. She also complained about the qualifications of a social-services director and alleged other patient-care and staffing concerns. Cedar Hill terminated her

employment on September 10, 2004, and she alleged that the termination was retaliation for protected whistleblowing.

PROCEDURAL HISTORY

After a bench trial, the superior court found that Griffis failed to prove that her termination was causally related to protected activity or that Cedar Hill's stated reasons for termination were pretextual. The superior court concluded that she was terminated for legitimate, nonretaliatory reasons, including insubordination. The Vermont Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- McDonnell Douglas Corp. v. Green, 411 U.S. 792, 802-04, 93 S.Ct. 1817, 36 L.Ed.2d 668 (1973)
- Gallipo v. City of Rutland, 2005 VT 83, ¶ 15, 178 Vt. 244, 882 A.2d 1177
- Robertson v. Mylan Labs., Inc., 2004 VT 15, ¶¶ 26-27, 176 Vt. 356, 848 A.2d 310
- Boulton v. CLD Consulting Eng'rs, Inc., 2003 VT 72, ¶ 15, 175 Vt. 413, 834 A.2d 37
- Gilwee v. Town of Barre, 138 Vt. 109, 111, 412 A.2d 300, 301 (1980)
- In re Route 103 Quarry, 2008 VT 88, ¶ 12, 958 A.2d 694
- Jensen v. Jensen, 139 Vt. 551, 433 A.2d 258 (1981)
- Quazzo v. Quazzo, 136 Vt. 107, 113, 386 A.2d 638, 642 (1978)
- Doucette v. Doucette, 168 Vt. 626, 628-29, 725 A.2d 901, 903 (1998) (mem.)
- Jakab v. Jakab, 163 Vt. 575, 579-80, 664 A.2d 261, 263 (1995)