

UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

David McConnell v. Anixter, Inc.

No. 18-3230, United States Court of Appeals for the Eighth Circuit (December 13, 2019)

SUMMARY

The Eighth Circuit affirmed summary judgment for Anixter on USERRA discrimination and retaliation claims, holding that McConnell failed to show his military status was a "motivating factor" in his termination. The court found that ambiguous comments about his service, the four-year gap between his military retirement and hiring, and his admitted temperament issues undermined any inference of unlawful motive. Additionally, alleged adverse actions such as ridicule, a written warning, a manual labor order, and denial of a service dog were not materially adverse under USERRA.

CASE DETAILS

COURT	United States Court of Appeals for the Eighth Circuit
WRITING FOR THE COURT	Gruender; GRUENDER; KELLY; ERICKSON
JURISDICTION	Federal
DECIDED	December 13, 2019
DOCKET	18-3230
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from grant of summary judgment
STANDARD OF REVIEW	de novo
PRECEDENTIAL VALUE	Published
PARTIES	David McConnell v. Anixter, Inc.

TOPICS

- employment law
- employment discrimination
- retaliation
- summary judgment
- standard of review

PRACTICE AREAS

- employment law

QUESTIONS PRESENTED

1. Whether McConnell demonstrated a genuine dispute of material fact that his military status was a motivating factor in Anixter's decision to fire him.

HOLDINGS

1. Summary judgment was appropriate because McConnell failed to show a genuine dispute of material fact that his military status was a motivating factor in Anixter's decision to fire him.

KEY QUOTATIONS

“the employer's expressed hostility towards members protected by the statute together with knowledge of the employee's military activity” (-5-)

FACTUAL BACKGROUND

McConnell served on active duty from 1999 to 2008, suffering a back injury and PTSD. He was hired by Anixter in 2012 as a service center manager. He had altercations with subordinates and received warnings. In December 2014, he had a disagreement with his supervisor during a phone call, requested a break to manage his PTSD, and was fired four days later.

PROCEDURAL HISTORY

The district court dismissed the complaint in part and later granted summary judgment on the remaining counts. McConnell appealed.

DISPOSITION

affirmed

CASES CITED

- DeLuna v. Mower Cty., 936 F.3d 711 (8th Cir. 2019)
- Zayed v. Associated Bank, N.A., 913 F.3d 709 (8th Cir. 2019)
- Crossley v. Ga.-Pac. Corp., 355 F.3d 1112 (8th Cir. 2004)
- Lisdahl v. Mayo Found., 633 F.3d 712 (8th Cir. 2011)
- Broderick v. Donaldson, 437 F.3d 1226 (D.C. Cir. 2006)
- Dick v. Dickinson State Univ., 826 F.3d 1054 (8th Cir. 2016)
- Rademacher v. HBE Corp., 645 F.3d 1005 (8th Cir. 2011)