

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
NORTH CAROLINA

Becky Mussat-Whitlow v. Winston-Salem State University

Mussat-Whitlow · No. 1:25-cv-00374 · Decided March 10, 2026

SUMMARY

This is a memorandum opinion and order from the United States District Court for the Middle District of North Carolina addressing Winston-Salem State University’s motion to dismiss claims brought by Becky Mussat-Whitlow. The opinion grants dismissal of the ADA failure-to-accommodate and disability-based discharge claims and denies dismissal of the ADEA age-discrimination claim. The provided text ends during the Court’s discussion of the Title VII sex-discrimination claim, so its complete disposition is not shown.

CASE DETAILS

COURT	United States District Court for the Middle District of North Carolina
JURISDICTION	United States District Court for the Middle District of North Carolina
DECIDED	March 10, 2026
DOCKET	1:25-cv-00374
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss the amended complaint for failure to state a claim.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true, views them in the light most favorable to the plaintiff, separates factual allegations from legal conclusions, and determines whether the complaint plausibly establishes that the defendant is liable.
PRECEDENTIAL VALUE	Unknown
PARTIES	Becky Mussat-Whitlow v. Winston-Salem State University

TOPICS

- motions to dismiss
- employment discrimination
- ada discrimination
- age discrimination
- retaliation

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the amended complaint plausibly stated an ADA failure-to-accommodate claim.
2. Whether the amended complaint plausibly stated an ADA wrongful-discharge claim.
3. Whether Winston-Salem State University was immune from punitive damages under 42 U.S.C. § 1981a(b)(1).
4. Whether the amended complaint plausibly stated an ADEA age-discrimination claim.
5. Whether the amended complaint plausibly stated a Title VII sex-discrimination claim.
6. Whether the amended complaint plausibly stated a Title VII retaliation claim based on Plaintiff's alleged rejection of unwanted sexual advances.

HOLDINGS

1. The amended complaint failed to plausibly state a failure-to-accommodate claim because it did not allege that Plaintiff requested an accommodation that Defendant refused. Allegations that Defendant failed to engage in an interactive process, without a specific denied accommodation, were conclusory.
2. The amended complaint failed to plausibly allege that disability was the but-for cause of Plaintiff's termination or otherwise establish circumstances supporting a reasonable inference of disability discrimination.
3. Winston-Salem State University, as an agency or arm of the State of North Carolina, is immune from punitive damages under 42 U.S.C. § 1981a(b)(1).
4. The amended complaint plausibly stated an ADEA age-discrimination claim because allegations concerning retirement and succession plans, age-related health comments, and a decisionmaker's comment that eye surgery was needed only by someone elderly supported a reasonable inference that Plaintiff was discharged because of her age.
5. The amended complaint plausibly stated a Title VII sex-discrimination claim because Plaintiff alleged satisfactory performance, termination, sexually charged comments directed at her by an interim supervisor, and that the supervisor participated in the termination decision.
6. The amended complaint plausibly stated a Title VII retaliation claim because Plaintiff alleged that she rejected her supervisor's unwanted sexual advances, the supervisor knew of that opposition, treated her adversely afterward, and participated in the termination decision.

KEY QUOTATIONS

“A case should be dismissed if, viewing the well-pleaded factual allegations in the complaint as true and in the light most favorable to the plaintiff, the complaint does not contain “enough facts to state a claim to relief that is plausible on its face.”” (4)

“The duty to engage in an interactive process to identify a reasonable accommodation is generally triggered when an employee communicates to his employer his disability and his desire for an accommodation for that

disability.” (7)

“To satisfy the third element, a plaintiff need not ‘show that [s]he was a perfect or model employee. Rather, a plaintiff must show only that [s]he was qualified for the job and that [s]he was meeting h[er] employer’s legitimate expectations.’” (9)

FACTUAL BACKGROUND

Plaintiff worked for Winston-Salem State University from approximately 1999 until her termination in January 2023, serving as Director of Institutional Assessment and Research from 2009 onward. She alleged that she performed well, received raises and additional compensation, and was never placed on a performance-improvement plan. She alleged that her interim supervisor made sexual and age-related comments, treated her adversely after she rejected his alleged sexual advances, and participated in the decision to terminate her after she took two periods of FMLA leave for a torn meniscus and foot issues. The amended complaint asserted disability, age, sex, and retaliation claims arising from the alleged workplace treatment and termination.

PROCEDURAL HISTORY

Plaintiff filed suit in the Middle District of North Carolina and then filed an amended complaint asserting ADA disability-discrimination and wrongful-discharge claims, an ADEA age-discrimination claim, and Title VII sex-discrimination and retaliation claims. Defendant's original motion to dismiss became moot after the amended complaint was filed. The court granted the renewed motion in part and denied it in part, dismissing the ADA claims and the punitive-damages claim with prejudice while allowing the ADEA and Title VII claims to proceed.

DISPOSITION

other

CASES CITED

- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 554-55, 555, 557, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Cowgill v. First Data Technologies, Inc., 41 F.4th 370, 378-80 (4th Cir. 2022)
- Wilson v. Dollar General Corp., 717 F.3d 337, 344, 346-47 (4th Cir. 2013)
- Wirtes v. City of Newport News, 996 F.3d 234, 238 (4th Cir. 2021)
- Tyndall v. National Education Centers, 31 F.3d 209, 213 (4th Cir. 1994)
- Harris v. Reston Hospital Center, LLC, 523 F. App'x 938, 947 (4th Cir. 2013) (per curiam)
- Mejia v. Wal-Mart, No. 1:14CV237, 2014 WL 5531432, at *3 (M.D.N.C. Nov. 3, 2014)
- Lashley v. Spartanburg Methodist College, 66 F.4th 168, 179 (4th Cir. 2023)
- Kelly v. Town of Abingdon, 90 F.4th 158, 169-71 (4th Cir. 2024)
- Haynes v. Waste Connections, Inc., 922 F.3d 219, 225 (4th Cir. 2019)
- Bing v. Brivo Systems, LLC, 959 F.3d 605, 616, 618 (4th Cir. 2020)
- Jacobs v. North Carolina Administrative Office of the Courts, 780 F.3d 562, 575, 578 (4th Cir. 2015)

- *Girardeau v. North Carolina Agricultural*, No. 1:24-cv-388, 2025 WL 1092721, at *4 (M.D.N.C. Apr. 11, 2025)
- *Gross v. FBL Financial Services, Inc.*, 557 U.S. 167, 177-78 (2009)
- *Buchhagen v. ICF International, Inc.*, 545 F. App'x 217, 220 (4th Cir. 2013) (per curiam)
- *Arthur v. Pet Dairy*, 593 F. App'x 211, 215, 218 (4th Cir. 2015) (per curiam)
- *McCleary-Evans v. Maryland Department of Transportation*, 780 F.3d 582, 585, 587 (4th Cir. 2015)
- *Westmoreland v. TWC Administration LLC*, 924 F.3d 718, 725 (4th Cir. 2019)
- *De Reyes v. Waples Mobile Home Park L.P.*, 903 F.3d 415, 428 (4th Cir. 2018)
- *Forgus v. Mattis*, 753 F. App'x 150, 153 (4th Cir. 2018) (per curiam)
- *Goode v. Central Virginia Legal Aid Society, Inc.*, 807 F.3d 619, 626 (4th Cir. 2015)
- *Laing v. Federal Express Corp.*, 703 F.3d 713, 720 (4th Cir. 2013)
- *Bryant v. Aiken Regional Medical Centers, Inc.*, 333 F.3d 536, 545-46 (4th Cir. 2003)
- *Swazo v. Onslow County Board of Education*, 698 F. App'x 745, 748 (4th Cir. 2017) (per curiam)
- *Crawford v. Metropolitan Government of Nashville & Davidson County, Tennessee*, 555 U.S. 271, 276 (2009)
- *DeMasters v. Carilion Clinic*, 796 F.3d 409, 417 (4th Cir. 2015)
- *Doe v. Montgomery County Board of Education*, No. 24-2810-TDC, 2025 WL 1135202, at *4 (D. Md. Apr. 17, 2025)
- *Parks v. RL Enterprise & Associates, LLC*, No. 6:20-cv-03745-DCC-KFM, 2021 WL 3579019, at *3 (D.S.C. Aug. 13, 2021)
- *Hasker v. Argueta*, No. 1:16CV367, 2017 WL 1214497, at *7 (M.D.N.C. Mar. 31, 2017)
- *Barbour v. Garland*, 105 F.4th 579, 593-94 (4th Cir. 2024)
- *Holloway v. Maryland*, 32 F.4th 293, 300 (4th Cir. 2022)
- *Wilcox v. Lyons*, 970 F.3d 452, 457 (4th Cir. 2020)
- *Bondi*, 138 F.4th at 133