

## MAN CLAIMS THAT HE WAS FIRED SO A YOUNGER EMPLOYEE COULD HAVE HIS JOB



An appeals court upheld a district court's decision to dismiss a case involving a claim of age bias. A man had filed a lawsuit against his former employers, alleging that he had been replaced by a younger employee. The employee had worked at International Furniture Marketing, Inc. His claim was that the reason for his termination was "pretextual," meaning that the reason given was likely a smokescreen for the genuine motivation in firing him. In this case, he maintains that the reason was so a younger worker could take his place, an act which would violate the Age Discrimination in Employment Act (ADEA). The ADEA protects employees aged 40 years or older against discrimination on the basis of their age. The employee's responsibilities at the company involved conducting research to decide which new product would be produced, creating specifications and working with designers on a product, choosing designs made by the designers, developing and merchandising a product, traveling overseas to view a product, and traveling to sell a product and evaluate any competition. The man attempted to make a *prima facie* case, which in this particular instance would leave him with burden of proof. To prove discrimination, he had to make four points: that he was a member of the protected age group, that he was subjected to "adverse employment action," that he was qualified to perform the job, and that he was replaced by or lost a position to a younger employee. Unfortunately, it seems that many of the man's duties were relegated to a web-based computer program called Design Net. The "product-design process" was handled by Design Net, allowing salespersons to communicate directly with designers about products and customers to offer feedback directly to people in sales and designs.



The younger worker had been employed at the company for eight years. He does not handle any of the man's previous responsibilities. In fact, the company claims that no one person has taken over this role, as International Furniture Marketing, Inc. has changed the way by which salespersons, designers and customers can interact. The younger employee did have some duties overseas, which is similar to the one of the man's tasks, but it is something that the younger man did before the plaintiff was fired. The district court found that the former employee had failed in proving that the younger worker had replaced him and that he had been terminated so the other employee could take his job. The court granted summary judgment in favor of International Furniture Marketing, Inc. At the appeals court, the only point of the *prima facie* case that was addressed was the final one, concerning his alleged "replacement." The employee additionally argued that he was entitled to relief under a "reduction-in-force theory," but as he made no such mention of relief in the district court, it was not considered during the appeal. The U.S. Court of Appeals for the Eleventh Circuit affirmed the district court's ruling.