

MAN ARGUES THAT WALMART REFUSED TO REHIRE HIM BECAUSE HE FILED FOR UNEMPLOYMENT



A former Walmart employee claimed that the company had not rehired him because he had filed for unemployment benefits. The decisions from both federal and appellate judges addressed the man's "at-will" employment status and whether or not his complaint was considered public policy. The man began working at the Walmart in Kalamazoo County, MI, in November 2003. He was approved for numerous leaves of absences during that time, including one that ended on April 30, 2007. On that particular leave, however, he did not return to work after April 30th. According to the employee, he believed that updating or extending his leave was unnecessary due to days he'd accumulated and discussions he'd had with Walmart managers. The following month, the man was told that he would need to update paperwork for his leave. He did so, but three days later, he was called to the store and fired by violating store policy by not returning to work at the end of his leave of absence. He was likewise informed that he could be rehired after 90 days. Afterwards, the man applied for unemployment benefits. Walmart opposed the request for benefits, indicating, via termination documents, that the man had voluntarily terminated his employment because he had not returned to work after his leave had ended. While the dispute over unemployment benefits continued, 90 days came and went. The man reapplied for his job but was not offered a position. Another 90 days passed, and he applied again but was not hired. Walmart has since employed applicants for jobs that the man was allegedly qualified. He did eventually receive his unemployment benefits but was not rehired for the Michigan store. The man's ensuing complaint alleged that Walmart violated public policy by not rehiring him because he'd filed for benefits. The company removed the case to a federal court and made a motion to dismiss. The man was an at-will employee, which means that either party could end their contract for any reason or none at all. There are exceptions to this, e.g., if a public policy has been violated. The district court granted Walmart's motion, stating that Michigan courts had not "indicated any willingness" to include hiring/rehiring as part of the wrongful termination exception for at-will employment. On appeal, the man argued that the Michigan Supreme Court would likely recognize his claim to support the public policy that encourages discharged employees to apply for benefits. Walmart countered by asserting that the man's claim was not based on a known public policy, and, even if it were, the attempt to create a new civil law – failing to rehire as a violation – was without validity. The man equated his situation with a case in which a Michigan court acknowledged a plaintiff's claim of retaliatory discharge for filing for unemployment benefits. But, though appellate judges believed comparing termination with a refusal to rehire was sound, they sided with both the district court and Walmart. The man further argued that the case should be certified for the Michigan Supreme Court, but it revisited the reason for dismissal in the first place – that Michigan courts wouldn't recognize the claim. The appeals court affirmed the judgment in favor of Walmart.