

Discrimination: Nurse Fired Without An Investigation.

A registered nurse had a spotless record working for the same hospital thirty-seven years, her only employment since nursing school, until she was abruptly fired over a written complaint filed by a nursing assistant stating that the nurse mistreated an ob/gyn patient who had a miscarriage.

Sixty-one years of age at the time of her termination, the nurse sued her former employer for age discrimination.

The evidence strongly supported the jury's verdict. There was no other rational explanation besides age discrimination.

UNITED STATES DISTRICT COURT
PENNSYLVANIA
October 10, 2007

The US District Court for the Eastern District of Pennsylvania entered judgment against the hospital for \$256,800.00.

Hospital Policy Not Followed No Investigation

Hospital management conducted no investigation of the incident. The allegations in the nurses assistant's report were accepted at face value even though she seemed to be pointing the finger of blame at someone else for her own errors and omissions. No other witnesses were interviewed and no documentary evidence was considered, the court said.

Contrary to hospital policy, the nurse was not given the opportunity for a hearing, in which she would be entitled to legal representation, to contest the allegations.

Arbitrary adverse employment action against a minority or a person in the 40-70 year-old age bracket is assumed to be discriminatory unless the employer can show the substance and process were fair. Scanlon v. Jeanes Hosp., 2007 WL 2972558 (E.D. Pa., October 10, 2007).