

Summary Judgment Review

Case Name: *Robinson v. FCA US LLC*

Nature of the Order: Magistrate's Report & Recommendation

Magistrate Judge: Walter E. Johnson

District Judge: Charles A. Pannell, Jr.

Claims & Outcomes:

1. **Claim:** Retaliation (ADA)
 - a. **Outcome:** Recommend Summary Judgment Granted

Whether R&R Followed: N/A

For Race/Gender Discrimination Cases:

Race of Plaintiff: N/A

Gender of Plaintiff: N/A

Summary

Plaintiff Nafeesah Robinson ("Robinson" or "Plaintiff") retrieved car parts at a warehouse owned and operated by Defendant FCA US LLC ("FCA" or "Defendant"). Robinson injured her shoulder on September 12, 2017 and was limited to restricted duty (mostly cleaning) for the remainder of her employment. On April 23, 2018, Robinson's supervisor, Michael Allen ("Allen") instructed her to clean a particular area, but she protested to him and a union representative that the instructions violated her work restrictions. Robinson and Allen got into a heated discussion, the details of which are disputed, about his instructions. The next day, he disciplined her for disruptively raising her voice during their discussion. The day of the discipline (April 24), Robinson sent an email complaining about the discipline, but she misspelled the email address and it was never received. She also emailed a union committee on May 15 with her complaints, but that email was not sent to FCA management. On August 16, 2018, Allen assigned Robinson the job of counting tickets at a table near the dock doors. Robinson complained to someone that working near the dock doors was unsafe, and word reached Allen that the job may be unsafe. So he reassigned Robinson back to clean a certain area. Allen later came to that area and found it was not cleaned and Robinson was not there. Allen found her in another area and ordered her to immediately go back to her work area. She did not do so. Robinson claims she was simply going to the bathroom (which she was allowed to do under company rules without asking permission). Allen however, testified that her actions indicated she was not simply going to the bathroom. He terminated her later that day for leaving her worksite without permission and refusal to follow the instructions of management.

Robinson filed suit against FCA for retaliation in violation of the Americans with Disabilities Act (“ADA”). FCA moved for summary judgment.

Magistrate Judge Walter E. Johnson first evaluated whether Robinson proved a *prima facie* case of ADA retaliation with respect to three potential protected activities. First, her September 2017 request for work restrictions was protected activity. But it was over 6 months before her discipline and close to a year before her termination. Thus, Judge Johnson found there was no causal connection between the accommodation request and the adverse actions.

Second, Judge Johnson found that Robinson’s April and May 2018 emails complaining about her discipline could not have caused her termination because there was no evidence the employer was actually aware of those complaints. The April email was sent to a misspelled email address, and was never received by FCA. The May email only went to Robinson’s fellow union members, not to the company.

Finally, Judge Johnson found that Robinson’s August 16, 2018 complaint about her work location near the dock doors was not a protected complaint under the ADA. She was not opposing disability discrimination, and complaints regarding workplace safety are not protected by the ADA. In addition, Robinson showed that Allen was aware of workplace safety concerns about working near the dock door, but not that Robinson herself had made the complaint. So, even if the complaint were protected under the ADA, Allen was not aware of it.

Judge Johnson also evaluated whether Robinson had shown that FCA’s justifications for the discipline and termination were pretext. He determined that FCA’s failure to follow progressive discipline is not evidence of pretext. He further held that, even if Robinson was not loud and disruptive (re: the demotion), she failed to rebut that Allen held an honest, good faith belief that she was. Similarly, even if Robinson was just going to the bathroom and not abandoning her workspace (re: the termination), Judge Johnson concluded that she had not shown Allen lacked an honest, good faith belief that she wasn’t using the bathroom and had simply abandoned her workstation and defied a direct order.

Judge Johnson, therefore, recommended GRANTING summary judgment on Plaintiff’s ADA retaliation claim.