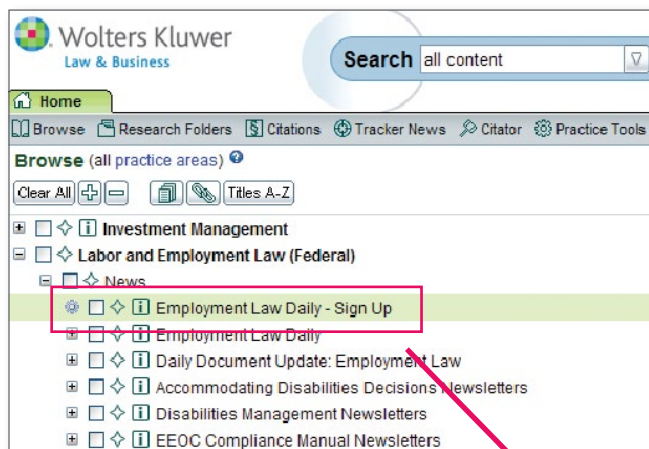


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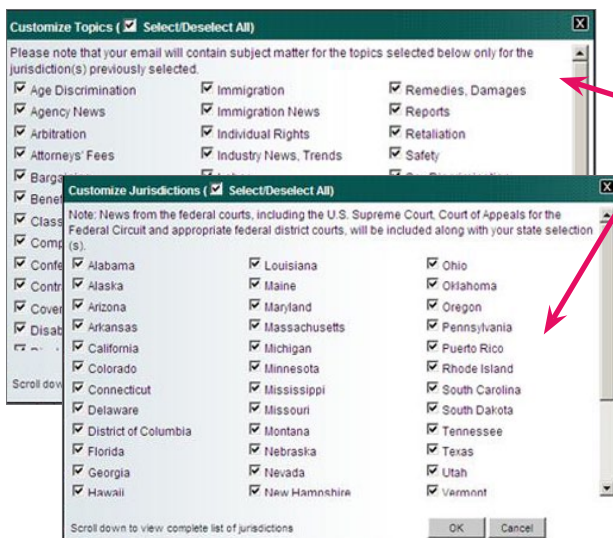


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TOP STORY—6thCir: Discharged Cracker Barrel store manager failed to show direct or circumstantial evidence of reverse discrimination

By David Stephanides, J.D.

A discharged Cracker Barrel store manager failed to establish her prima facie case of reverse discrimination where direct or circumstantial evidence of discriminatory intent, and evidence of disparate treatment were lacking, ruled the Sixth Circuit in affirming summary judgment for Cracker Barrel (*Martinez v Cracker Barrel Old Country Store, Inc.*, January 10, 2013, Wells, L). Under Michigan's Elliot-Larsen Civil Rights Act (EL CRA), the employee had two alternative ways to show reverse discrimination: through direct evidence or through circumstantial evidence.

Background. The Caucasian employee worked for Cracker Barrel as a retail manager at its Flint location in February 2010. The evidence indicated that in early 2010, she engaged in a wide range of conversations with four Cracker Barrel employees concerning the Haiti earthquake, the plight of the Michigan "Bridge Card" ? a state public assistance program used by several Cracker Barrel employees referred to as a "ghetto card." An associate manager overheard the conversations and filed a formal complaint. After investigating, Cracker Barrel determined that the employee violated specific company rules, which resulted in her termination.

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RECOMMENDED FOR FULL-TEXT PUBLICATION
Pursuant to Sixth Circuit I.O.P. 32.1(b)

File Name: 13a0010p.06

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

MARY MARTINEZ,

v.

CRACKER BARREL OLD COUNTRY STORE,
INC.,

Plaintiff-Appellant,

Defendant-Appellee.

No. 11-2189

Appeal from the United States District Court
for the Eastern District of Michigan at Detroit.
No. 2:10-cv-13271—Avern Cohn, District Judge.

Argued: October 11, 2012

Decided and Filed: January 10, 2013

Before: SUTTON and GRIFFIN, Circuit Judges; and WELLS, District Judge.

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