

The Supreme Court - April 6, 2020

Today, the Supreme Court of the United States issued the following two opinions:

Babb v. Wilkie, No. 18-882: Petitioner Norris Babb, a clinical pharmacist at the U.S. Department of Veterans Affairs, brought an age discrimination suit against the Secretary of Veterans Affairs ("VA"). The federal-sector provision of the Age Discrimination in Employment Act of 1967 ("ADEA") provides that "personnel actions affecting employees or applicants for employment who are at least 40 years of age . . . shall be made free from any discrimination based on age." 29 U.S.C. §633a(a). The Government's position was that this statutory language imposed liability only when age is a but-for cause of an employment decision. Babb, in contrast, argued that this language prohibits any adverse consideration of age in the decision-making process, and proof that age was a but-for cause is unnecessary. The district court granted summary judgment for the VA, and the Eleventh Circuit found Babb's argument foreclosed by circuit precedent. Today, the Court reversed, holding that the statutory language that personnel actions be "made free from any discrimination based on age," demands that personnel actions be untainted by any consideration of age. For some forms of relief, such as hiring, reinstatement, backpay, and compensatory damages, a plaintiff must show that age was a but-for cause of the challenged employment decision. But if age discrimination played a lesser part in the decision, other remedies may be appropriate. Justice Alito issued the Court's opinion. Justice Thomas dissented.

The Court's decision is available [here](#).

Kansas v. Glover, No. 18-556: Respondent Charles Glover was charged with driving as a habitual violator under Kansas law after he was found to be driving with a revoked license during a traffic stop. The stop was initiated when an officer on routine patrol ran the license plates of a truck he had observed, and the files indicated the truck was registered to Charles Glover, who had a revoked driver's license. On this basis, the officer initiated the stop, without observing any traffic violations and without first attempting to identify the driver of the truck. Glover was the driver, and charged with the

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offense. The District Court granted Glover's motion to suppress, but the Court of Appeals reversed. The Kansas Supreme Court in turn reversed, finding that the officer did not have reasonable suspicion because his inference that Glover was the driver was "only a hunch." The Court today reversed, holding that when an officer lacks information negating an inference that the owner is the driver of the vehicle, the stop is reasonable.

The Court's decision is available [here](#).