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Former Bank Employee Failed to Prove Denial of Promotion Was Discriminatory

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By Jasmin M. Rojas

A black personal banker formerly employed by J.P. Morgan Chase Bank failed to prove that the bank's given reasons for promoting a white applicant instead of him were a pretext for discrimination, the 10th U.S. Circuit Court of Appeals ruled.

Tarus Green was employed by the bank in Tulsa, Okla., as a licensed personal banker. In October 2006, he applied for promotion to a business banker. Chase deferred considering his application until December 2006, when Jason Groves was hired as a business manager. The selection for business banker was narrowed to Green and another candidate, a white man. Groves met briefly with Green, but Green never received a formal interview. The hiring panel interviewed only the other candidate and offered him the job.

On Jan. 31, 2007, Green submitted a letter of complaint to a Chase performance evaluation analyst. However, that person did not have any responsibility to handle discrimination complaints. On Feb. 2, 2007, Green filed an intake questionnaire with the Oklahoma Human Rights Committee (OHRC), charging race discrimination. On Feb. 7, he submitted a formal written complaint of discrimination to a Chase human resources employee.

Before any resolution of his internal complaint, Green submitted a letter of resignation stating that he had been offered a position equal in job responsibilities but with a pay increase. Nevertheless, Green remained at his new job for only a few weeks, resigning on March 7, 2007. The next day, he filed a charge of discrimination with the OHRC, alleging that Chase's failure to promote him was the result of racial discrimination.

After receiving a right-to-sue letter, he filed a complaint alleging, among other claims, racial discrimination in violation of Title VII of the Civil Rights Act of 1964 and the Oklahoma Anti-Discrimination Act.

In proceedings before the district court, Chase asserted that Groves "did not recommend that Green move on in the interviewing process because Green demonstrated [a] combative attitude during the interview and he did not seem to have strong ties to the Tulsa community." It further asserted that Groves recommended the successful candidate because "he demonstrated experience in managing multiple branches and employees, business development experience, and had strong ties to the Tulsa business community." The district court granted summary judgment to Chase, ruling that Green had failed to show that these legitimate, nondiscriminatory reasons were a pretext for discrimination because there was no overwhelming disparity in the candidates' qualifications.

The court further held that even though Chase had not listed ties to the Tulsa community as a job requirement, its reliance on that factor failed to show pretext because such contacts would enable the business banker to fulfill the undisputed job responsibility of seeking new customers from referrals.

The appellate court affirmed the dismissal of the discrimination claim, holding that the district court did not err in concluding that the evidence was insufficient to show that the reasons given by Chase were a pretext for discrimination. "It is well-established," the court said, that "our role isn't to ask whether the employer's decision was wise, fair or correct, but whether it honestly believed the legitimate, nondiscriminatory reasons it gave for its conduct and acted in good faith on those beliefs."

Therefore, the court continued, "to suggest that an employer's claim that it hired someone else because of superior qualifications is a pretext for discrimination rather than an honestly (even if mistakenly) held belief, a plaintiff must come forward with facts showing an overwhelming disparity in qualifications."

Green failed to present sufficient evidence to meet these standards, the court ruled.

Green v. JP Morgan Chase Bank Nat'l Assoc., 10th Cir., No. 11-5153 (Nov. 1, 2012).

Professional Pointer: Employers must document their hiring decisions. This may be particularly important where an employer is picking one qualified individual over other individuals who are also qualified for the position.

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