

2. Age Discrimination in Employment Act

In *EEOC v. Robertson Cheatham Farmers Cooperative*, the EEOC alleged that defendant, a farming cooperative in Tennessee, discharged charging party, a 72-year-old truck driver/fertilizer spreader, because of his age. Following a three and a half day trial, the jury returned a verdict for the Commission and awarded the charging party approximately \$37,000 in back pay. Charging party had worked for defendant for nine years and had a satisfactory work record. His manager asked him to quit on at least three occasions and, when charging party refused, fired him. Defendant argued that it terminated charging party because of concerns about his health (bad knees) and safety (he had fallen two times at work) and because his skills had deteriorated. The Commission presented evidence that defendant never raised a concern with charging party relating to his health and/or safety before his discharge and that he was capable of performing his job duties. Defendant's hiring of a 29-year-old replacement the day after charging party's termination further supported a finding that charging party's age, and not his abilities, motivated the discharge.