

Ohio State Defeats EEOC Age Discrimination Suit

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By **Patrick Hoff** · 2023-03-07 13:37:01 -0500 · [Listen to article](#)

An Ohio federal jury handed a win to The [Ohio State University](#) in a [U.S. Equal Employment Opportunity Commission](#) lawsuit alleging the school had replaced a human resources employee with someone younger and refused to hire him for other positions because of his age.

After a five-day trial, jurors returned **a verdict** Monday in favor of OSU, rejecting the EEOC's claims that the school violated the Age Discrimination in Employment Act when it terminated and then failed to rehire Alan Knox in 2018.

U.S. District Judge Algenon L. Marbley **in September said** the court could not grant OSU summary judgment in the age bias suit, finding that a jury needed to resolve factual disputes over whether Knox was terminated and replaced or his position was eliminated as part of a reduction in force.

The EEOC sued Ohio State in September 2020. According to the suit, Knox worked for the university for 12 years, most recently as a human resources generalist within the College of Education and Human Ecology.

When one of the centers Knox worked for lost funding, the college hired experts to conduct an organizational review, which prompted a merger of two of the college's centers that Knox served. Knox, who was 52 at the time, was told there was no longer enough work for him after the merger was complete, but OSU later named a 27-year-old human resources specialist to replace him, the EEOC said.

Knox applied for eight open positions at OSU that he was qualified for, but never landed another job at the university, according to the suit.

But Ohio State said in its motion for summary judgment that Knox's position was eliminated and his duties split between two existing human resources generalists, both of whom were over 40, and the younger human resources specialist was simply supporting that work, as she had done with Knox. The specialist was later promoted to human resources generalist — the same title as Knox — because of a series of resignations and promotions unrelated to the reduction in force, the school said.

OSU also told the court that Knox was not hired for the other positions to which he applied for various reasons — such as a pandemic-related hiring freeze and better-qualified candidates — and none had to do with his age. Additionally, the school said that several of

the positions were eventually filled by people who were also over 40 years old, and noted that Knox said in a deposition that he's currently in the best job of his life.

A spokesperson for the EEOC declined to comment.

Counsel for The Ohio State University directed Law360's questions to the school's public information office, which did not immediately respond to a request for comment.

The U.S. Equal Employment Opportunity Commission is represented in-house by Maria Luisa Morocco, Joshua E. Zugerma and Ashley Martin.

The Ohio State is represented by Christina L. Corl of Plunkett Cooney PC.

The case is EEOC v. The Ohio State University, case number 2:20-cv-04624, in the U.S. District Court for the Southern District of Ohio.

--Additional reporting by Grace Elletson. Editing by Neil Cohen.