

Casias v. Wal-Mart Stores

695 F. 3d 428 (6th Cir. 2012)

OPINION BY CIRCUIT JUDGE CLAY:

In this wrongful discharge action, Plaintiff Joseph Casias, a former Wal-Mart employee, appeals the district court's . . . dismissal [of his lawsuit] for failure to state a claim following his termination for failing a drug test in violation of Defendants' drug testing policy. . . . [W]e AFFIRM the judgment of the district court.

* * * Plaintiff was an employee of Wal-Mart's Battle Creek, Michigan store from November 1, 2004 until November 24, 2009, when Plaintiff was terminated from Wal-Mart after he tested positive for marijuana, in violation of the company's drug use policy.

Plaintiff was diagnosed with sinus cancer and an inoperable brain tumor at the age of 17. During his employment at Wal-Mart, Plaintiff endured ongoing pain in his head and neck. Although his oncologist prescribed pain relief medication, Plaintiff continued to experience constant pain as well as other side effects of his medication. After Michigan passed the MMMA [Michigan Medical Marihuana Act] in 2008, Plaintiff's oncologist recommended that he try marijuana to treat his medical condition. The Michigan Department of Community Health issued Plaintiff a registry card on June 15, 2009, and, in accordance with state law, he began using marijuana for pain management purposes. Plaintiff stated that the drug reduced his level of pain and also relieved some of the side effects from his other pain medication. Plaintiff maintains that he complied with the state laws and never used marijuana while at work; nor did he come to work under the influence. Instead, Plaintiff used his other prescription medication during the workday and only used the marijuana once he returned home from work.

In November 2009, Plaintiff injured himself at work by twisting his knee the wrong way while pushing a cart. Plaintiff contends that he was not under the influence of marijuana at the time of his accident. Although Plaintiff came to work the next day, he had trouble walking and was driven to the emergency room by a Wal-Mart manager to receive treatment. Since Plaintiff was injured on the job, he was administered a standard drug test at the hospital in accordance with Wal-Mart's drug use policy for employees. Prior to his drug test, Plaintiff showed his registry card to the testing staff to indicate that he was a qualifying patient for medical marijuana under Michigan law. Plaintiff then

underwent his drug test, wherein his urine was tested for drugs.

One week later, Defendant notified Plaintiff that he tested positive for marijuana. Plaintiff immediately met with his shift manager to explain the positive drug test. Plaintiff showed the manager his registry card and also stated that he never smoked marijuana while at work or came to work under the influence of the drug. Plaintiff explained that the positive drug test resulted from his previous ingestion of marijuana within days of his injury in order to treat his medical condition. The shift manager made a photocopy of Plaintiff's registry card.

The following week, Wal-Mart's corporate office directed the store manager . . . to fire Plaintiff due to the failed drug test, which was in violation of the company's drug use policy. Wal-Mart did not honor Plaintiff's medical marijuana card. Plaintiff sued Wal-Mart . . . for wrongful discharge and violation of the MMMA, arguing that the statute prevents a business from engaging in disciplinary action against a card holder who is a qualifying patient. * * * [T]he district court held that the MMMA does not protect Plaintiff's right to bring a wrongful termination action because the MMMA does not regulate private employment. Plaintiff now appeals.

* * * According to the MMMA,

A qualifying patient who has been issued and possesses a registry identification card shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including but not limited to civil penalty or disciplinary action by a business or occupational or professional licensing board or bureau, for the medical use of marihuana in accordance with this act. . . .

The parties' dispute focuses on the use of the word "business" and whether the word simply modifies the words "licensing board or bureau," or in the alternative, whether "business" should be read independently from "licensing board or bureau." * * * The district court concluded that "the MMMA does not regulate private employment; [r]ather the Act provides a potential defense to criminal prosecution or other adverse action by the state." Specifically, the court concluded that the "MMMA contains no language stating that it repeals the general rule of at-will employment in Michigan or

that it otherwise limits the range of allowable private decisions by Michigan businesses.” * * *

We agree with the district court and find that the MMMA does not impose restrictions on private employers, such as Wal-Mart. * * * Based on a plain reading of the statute, the term “business” is not a stand-alone term as Plaintiff alleges, but rather the word “business” describes or qualifies the type of “licensing board or bureau.” Read in context, and taking into consideration the natural placement of words and phrases in relation to one another, and the proximity of the words used to describe the kind of licensing board or bureau referred to by the statute, it is clear that the statute uses the word “business” to refer to a “business” licensing board or bureau, just as it refers to an “occupational” or “professional” licensing board or bureau. The statute is simply asserting that a “qualifying patient” is not to be penalized or disciplined by a “business or occupational or professional licensing board or bureau” for his medical use of marijuana.

Plaintiff also argues that the plain language of the statute somehow regulates private employment relationships, restricting the ability of a private employer to discipline an employee for drug use where the employee’s use of marijuana is authorized by the state. We find, however, that the statute never expressly refers to employment, nor does it require or imply the inclusion of private employment in its discussion of occupational or professional licensing boards. The statutory language of the MMMA does not support Plaintiff’s interpretation that the statute provides protection against disciplinary actions by a business, inasmuch as the statute fails to regulate private employment actions.

We also note that other courts have found that their similar state medical marijuana laws do not regulate

private employment actions. Thus, in addition to being unpersuasive on its face, Plaintiff’s interpretation of the MMMA, which would proscribe employer terminations of qualified medical marijuana users, is in direct conflict with other states which have passed similar legislation.

For similar reasons, we dismiss Plaintiff’s argument that Plaintiff’s discharge was contrary to public policy. The district court held that * * * accepting Plaintiff’s argument would create a new category of protected employees, which would “mark a radical departure from the general rule of at-will employment in Michigan.” We agree with the district court that accepting Plaintiff’s public policy interpretation could potentially prohibit any Michigan business from issuing any disciplinary action against a qualifying patient who uses marijuana in accordance with the Act. Such a broad extension of Michigan law would be at odds with the reasonable expectation that such a far-reaching revision of Michigan law would be expressly enacted. * * * The MMMA does not include any such language nor does it confer this responsibility upon private employers. We therefore reject Plaintiff’s policy argument.

CASE QUESTIONS

1. What was the legal issue in this case? What did the appeals court decide?
2. Why do you suppose that the employer ordered a drug test following the workplace injury and decided to terminate the employee despite being aware of his lawful medical use of marijuana?
3. What does employment at will mean? How does it figure into the decision in this case?
4. Do you agree with the decision in this case? Why or why not?

The foregoing excerpt from *Casias v. Wal-Mart Stores* is the first of a number of employment law cases that you will have the opportunity to read in this text. The words are those of the judge who wrote the decision. You would find the same words if you looked up the case—which you can easily do by using an online legal database and searching for either the names of the parties or the citation that appears below the names of the parties. The only difference is that we have shortened the case by selecting only the most essential details and by removing internal citations and footnotes. By seeing the law applied to particular factual circumstances and reading the judges’ rationales for their decisions, you will gain a fuller understanding of the law.

When reading cases, it is important to pay attention to how the legal issues are framed. One might be tempted to say that the legal issue in the *Casias* case was whether the store had the right to terminate this employee for his lawful use of marijuana to manage pain resulting from cancer and a brain tumor, or more generally, whether the termination was fair. But these statements do not get to the heart of the *legal* issue in this case. Under