

Therefore, AEFA did not create two new analyst positions after terminating Wittenburg. * * *

Accordingly, we affirm the judgment of the district court.

CASE QUESTIONS

1. What was the legal issue in this case? What did the court decide?
2. Why don't the statements made by various managers provide convincing evidence of discriminatory motive?
3. What is the evidence regarding the effect of the RIF on older workers? That the performance ratings were manipulated to favor retention of younger workers?
4. Were the employer's subsequent actions in redistributing duties and advertising for analysts consistent with the claim that the employee was terminated in a genuine RIF? Why or why not?
5. What things did the employer do in carrying out this RIF that helped it prevail in this case?