

4-27-1993

## Mardell v Harleysville Life Ins Co

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KeyCite Red Flag - Severe Negative Treatment

Reversed by [Mardell v. Harleysville Life Ins. Co.](#), 3rd Cir.(Pa.), August 2, 1994



KeyCite Overruling Risk - Negative Treatment

Overruling Risk [McKennon v. Nashville Banner Pub. Co.](#), U.S.Tenn., January 23, 1995

854 F.Supp. 378  
United States District Court,  
W.D. Pennsylvania.

Nancy MARDELL, Plaintiff,

v.

HARLEYSVILLE LIFE INSURANCE  
COMPANY, Defendant.

Civ. A. No. 91-1493.

|

April 27, 1993.

### Synopsis

Discharged employee brought action against former employer alleging violation of Age Discrimination in Employment Act (ADEA) and Title VII. Employer moved for summary judgment. The District Court, McCune, Senior District Judge, held that after-acquired evidence of employee's resume and job application fraud precluded her from seeking relief.

Motion granted.

West Headnotes (3)

### [1] **Civil Rights** 🔑 Defenses in General

78 Civil Rights

78IV Remedies Under Federal Employment  
Discrimination Statutes

78k1529 Defenses in General  
(Formerly 78k144)

After-acquired evidence doctrine applied to determine whether former employee's alleged resume and job application fraud precluded her from seeking relief under Title VII and ADEA when she was discharged. Civil Rights Act of

1964, § 701 et seq., [42 U.S.C.A. § 2000e](#) et seq.; Age Discrimination in Employment Act of 1967, § 2 et seq., [29 U.S.C.A. § 621](#) et seq.

### [2] **Civil Rights** 🔑 Defenses in General

78 Civil Rights

78IV Remedies Under Federal Employment  
Discrimination Statutes

78k1529 Defenses in General  
(Formerly 78k144)

For after-acquired evidence of employee misconduct to preclude employment discrimination claim, employer must establish that misrepresentation or omission was material, directly related to measuring a person for employment, and was relied upon by employer in making decision.

### [3] **Civil Rights** 🔑 Discharge or Layoff

**Civil Rights** 🔑 Discharge or Layoff

78 Civil Rights

78II Employment Practices

78k1122 Discharge or Layoff  
(Formerly 78k144)

78 Civil Rights

78II Employment Practices

78k1199 Age Discrimination


78k1204 Discharge or Layoff  
(Formerly 78k144)

Discharged employee's misrepresenting herself on resume and job application as being a college graduate with paid, professional experience in therapy and writing/interviewing, along with falsification of dates she did her college field work and reason for leaving one job and her exaggeration of her employment responsibilities while working at another job, precluded her action alleging violation of Title VII and ADEA; employer presented uncontested affidavits that it relied on misrepresentations, that it used past job experience for measuring job candidate, that it considered honesty and integrity a qualification for employment, and that resume and application fraud were such that employee

**Mardell v. Harleysville Life Ins. Co., 854 F.Supp. 378 (1993)**

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63 Empl. Prac. Dec. P 42,899

would not have been hired had employer known of misrepresentations. Age Discrimination in Employment Act of 1967, § 2 et seq., 29 U.S.C.A. § 621 et seq.; Civil Rights Act of 1964, § 701 et seq.,  42 U.S.C.A. § 2000e et seq.

**All Citations**

854 F.Supp. 378, 63 Empl. Prac. Dec. P 42,899

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