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Mardell v Harleysville Life Ins Co

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1994 WL 396512

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Mardell v. Harleysville Life Ins. Co., 31 F.3d 1221 (1994)

65 Fair Empl.Prac.Cas. (BNA) 734, 65 Empl. Prac. Dec. P 43,200, 63 USLW 2106



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Opinion Vacated in Part by [Mardell v. Harleysville Life Ins. Co.](#), 3rd Cir., July 20, 1995

31 F.3d 1221

United States Court of Appeals,
Third Circuit.

Nancy MARDELL, Appellant

v.

HARLEYSVILLE LIFE INSURANCE
COMPANY, a Pennsylvania Corporation.

No. 93-3258.

|

Argued Dec. 9, 1993.

|

Decided Aug. 2, 1994.

Synopsis

Employer's motion for summary judgment in employment discrimination suit was granted by the United States District Court for the Western District of Pennsylvania, Barron P.

McCune, J., [854 F.Supp. 378](#), on ground that plaintiff's alleged resume fraud provided complete defense. Appeal was taken. The Court of Appeals, [Becker](#), Circuit Judge, held that: (1) after-acquired evidence of employee's resume fraud was irrelevant to liability determination in employment discrimination case, but (2) after-acquired evidence could be used during remedy stage to limit damages if employer could show independent discovery of the evidence.

Vacated and remanded.

West Headnotes (2)

[1] Civil Rights Defenses in General

78 Civil Rights

78IV Remedies Under Federal Employment
Discrimination Statutes

[78k1529](#) Defenses in General
(Formerly 78k372)

After-acquired evidence of employment discrimination plaintiff's résumé and/or application fraud or misconduct on job is irrelevant to determination of whether employer discriminated against employee on basis of impermissible factor at time of adverse employment action; inference of discrimination based on prima facie case is independent of plaintiff's qualifications that were unknown to employer. Age Discrimination in Employment Act of 1967, §§ 2-17, as amended, [29 U.S.C.A. §§ 621-634](#); Civil Rights Act of 1964, §§ 701-718, as amended, [42 U.S.C.A. §§ 2000e to 2000e-17](#).

[53 Cases that cite this headnote](#)

[2] Civil Rights Back Pay or Lost Earnings

78 Civil Rights

78IV Remedies Under Federal Employment
Discrimination Statutes

[78k1569](#) Monetary Relief; Restitution

[78k1571](#) Back Pay or Lost Earnings
(Formerly 78k401)

Back pay should be awarded to successful employment discrimination plaintiff until date of judgment despite after-acquired evidence of plaintiff's résumé and/or application fraud or employee misconduct on the job unless employer is able to show that adverse evidence would have been discovered independently of employment decision and ensuing litigation. Age Discrimination in Employment Act of 1967, §§ 2-17, as amended, [29 U.S.C.A. §§ 621-634](#); Civil Rights Act of 1964, §§ 701-718, as amended, [42 U.S.C.A. §§ 2000e to 2000e-17](#).

[49 Cases that cite this headnote](#)

All Citations

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