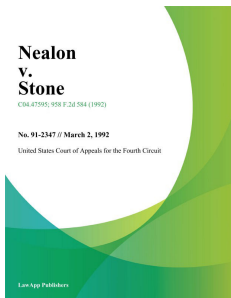


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NEALON V STONE EBOOKS 2019



Author: United States Court of Appeals for the Fourth Circuit

Release Date: Expected @@expectedReleaseDate@@

Margaret Nealon filed a charge of discrimination with the Equal Employment Opportunity Commission (EEOC) contending that the U.S. Army had violated her rights under the Equal Pay Act of 1963, 29 U.S.C. §§ 206 et seq. (1988) (EPA), and Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq. (1988), by paying her a lower salary than a man who performed similar work. The EEOC initially found that there was reasonable cause to believe that the Army discriminated against her ("EEOC I"), but erroneously applied private sector procedures for the public sector charge. The EEOC reversed its position twenty months later ("EEOC II"), finding that Nealon's charge of discrimination lacked reasonable cause. Nealon then brought this suit in the Eastern District of Virginia under the EPA and Title VII seeking either to enforce the initial EEOC reasonable cause findings or, alternatively, to bring both EPA and Title VII claims de novo. The district court refused to enforce EEOC I and dismissed the action on the grounds that the statute of limitations barred Nealon's EPA claim and failure to exhaust administrative remedies barred her Title VII claims. We affirm the district court's holding that EEOC I did not become enforceable and that Nealon's Title VII discrimination claim is barred by her failure to exhaust administrative remedies. We reverse with respect to Nealon's Title VII retaliation claim, however, as she need not exhaust administrative remedies to pursue it. Furthermore, we hold that Nealon's EPA claim is not time barred.

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