

# THE JOURNAL RECORD

## Gavel to Gavel: Hiring, promotion, and retaliation pitfalls

By: [Chris S. Thrutchley](#) // GableGotwals // February 11, 2026



Chris Thrutchley

A recent federal court decision offers employers a clear warning: even routine personnel decisions can become costly when managers deviate from fair processes or mishandle employee complaints. In *Pendergraft v. Steiner* (W.D. Okla. 2025), the court allowed race, color, age discrimination, and retaliation claims against the U.S. Postal Service to proceed. Although the employee has yet to prove his allegations, the court found that his claims, taken as true at this stage, described avoidable errors that commonly draw judicial scrutiny.

The employee alleged that he was repeatedly told he ranked first for positions he applied for, yet younger and less qualified candidates were chosen instead. Courts often view inconsistent [hiring](#) messages like these as potential evidence of pretext—suggesting that the employer's stated reasons for selecting another candidate may not be genuine. Even casual comments about rankings, favorites, or who “should” get a job can be used to show bias or unfair treatment.

The complaint also asserts that a supervisor warned the employee not to contact the [EEOC](#) and implied he could be fired if he did. Statements like this strike at the heart of federal anti-retaliation protections. Any suggestion that an employee should avoid reporting concerns to HR or a government agency is nearly guaranteed to attract the court's attention and can independently support a retaliation claim.

Timing played a significant role as well. Shortly after the employee contacted the EEOC, he was confronted by a manager in a hostile manner, leading to an altercation, suspension, and eventual termination. Even without proof of discriminatory motive, discipline issued closely on the heels of protected activity raises a strong inference of retaliation. Courts routinely allow such claims to move forward when the timing alone appears suspicious.

The *Pendergraft* decision underscores a consistent theme: employers protect themselves best through consistent processes, careful communication, and thorough documentation. Standardized interview questions and evaluation criteria, clear records showing that decisions were based on job-related factors, and thoughtful handling of employee complaints are essential safeguards. Supervisors must understand what constitutes protected activity and avoid any conduct that could be interpreted as discouraging an employee from raising concerns. When discipline is considered after a complaint, organizations should pause, verify the legitimacy of the action, and ensure that contemporaneous documentation supports the decision.

[Chris S. Thrutchley, SHRM-SCP](#) is a Shareholder at [GableGotwals](#).

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