

Fourth Circuit Upholds ‘Mark of the Beast’ Jury Verdict

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The U.S. Court of Appeals for the Fourth Circuit unanimously upheld a West Virginia’s jury verdict of nearly \$600,000 in favor of the EEOC on behalf of an employee who alleged the company failed to accommodate his religious belief. The employee believed that using the company’s biometric hand-scanning time clock would affix the “Mark of the Beast” as described in the book of Revelation in the Bible. By using the hand scanner, the employee believed he would be marked as a follower of the Antichrist and condemned to eternal punishment. We have tracked this fascinating case going all the way back to January 2015.

In response to the employee’s complaints, the company offered to permit him to clock in using his left hand since the Bible only referenced a person’s right hand. Faced with this choice, the plaintiff chose to “retire” and then he claimed it was “constructive discharge.” The Fourth Circuit held that the company failed to recognize the conflict between the employee’s religious beliefs and the policy and upheld the nearly \$600,000 awarded by a jury for damages and compensation owed. The court held it is not the place of the employer or the court to “question the correctness or even the plausibility” of the employee’s religious beliefs. Of particular note in the case was the fact that the company did provide an accommodation for employees who had suffered hand injuries to bypass the scanners and enter in their numbers manually. This was inexpensive and not burdensome, but was not offered as an alternative to the plaintiff.

This 2 1/2-year saga is a case study in the perils of improperly responding to a request for religious accommodation. As the Fourth Circuit noted, the protection of religious beliefs is not limited to beliefs shared by a particular religious sect. Therefore, even if the employee had a mistaken interpretation of the Bible, it was his sincerely held belief that was legally worthy of accommodation. Even if a company does not believe the particular beliefs are genuine or the religion as a whole is legitimate, an employer must consider if there is a “reasonable accommodation” for the employee’s beliefs.

This is particularly true in this day and age where a “Pastafarian,” a worshipper of the Church of the Flying Spaghetti Monster, was granted the religious accommodation of posing for a driver’s license picture with a pasta strainer on his head.

Employers are required to provide a reasonable accommodation for an employee’s religious belief unless it would cause undue hardship to the employer.

National Law Review, Volume VII, Number 173

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