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## Chapter 5 Emerging Issues in Labor and Employment Law: Decisions from the United States Supreme Court

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**§ 5.01. *Cline v. General Dynamics Land Systems, Inc.*****[1] — Introduction.**

The Age Discrimination and Employment Act,<sup>1</sup> (ADEA) prohibits employers from discriminating against employees on the basis of their age.<sup>2</sup> Indeed, the purpose of the ADEA is to promote the employment of older persons based on their ability, rather than age, and to prohibit arbitrary age discrimination.<sup>3</sup> In the recent case of *Cline v. General Dynamics Land Systems, Inc.*,<sup>4</sup> the Court considered whether the ADEA “provides a cause of action for employees within the protected class who claim their employer discriminated against them on the basis of age because of the employer’s more favorable treatment of older employees, also within the class.”<sup>5</sup> In overruling the district court, the United States Court of Appeals for the Sixth Circuit held that the ADEA does provide a cause of action for members of a protected class to sue their employer for discriminating against younger employees in the same protected class.

General Dynamics Land Systems, Inc. (General Dynamics) appealed the decision by the Sixth Circuit to the Supreme Court of the United States, and, in turn, the Court granted *certiorari*. The Supreme Court—in a 6-3 decision—reversed the decision of the Sixth Circuit, and held that “[w]e see the text, structure, purpose, and history of the ADEA, along with its relationship to other federal statutes, as showing that the statute does not mean to stop an employer from favoring an older employee over a younger one.”<sup>6</sup> The following will discuss how the Court arrived at its conclusion.

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<sup>1</sup> 29 U.S.C. §§ 621-634 (2000).

<sup>2</sup> 29 U.S.C. § 623(a).

<sup>3</sup> See *Hodgson v. First Federal Sav. & Loan Ass’n of Broward Co., Fla.*, 455 F.2d 818, 820 (5th Cir. 1972).

<sup>4</sup> *Cline v. General Dynamics Land Systems, Inc.*, 296 F.3d 466 (6th Cir. 2002), *cert. granted*, *General Dynamics Land Systems, Inc. v. Cline*, 538 U.S. 976 (2003)(*Cline II*) and reversed at *General Dynamics Land Systems, Inc. v. Cline*, 540 U.S. 581 (2004)(*Cline III*).

<sup>5</sup> *Cline II*, 296 F.3d at 467.

<sup>6</sup> *Cline III*.