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Bend But Don't Break: Appellate Division Holds That "Flexible" Analysis Is Required For Age Discrimination Claims
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Recently, in Cohen v. University of Medicine and Dentistry of New Jersey, Docket No. A-1300-12T1 (App. Div. December 30, 2013), the Appellate Division reversed a trial court's dismissal of an age discrimination claim brought under the New Jersey Law Against Discrimination. The Appellate Division found that the trial court "took a too mechanical approach" in determining whether Plaintiff presented a prima facie case of discrimination. Cohen reminds employers that courts are required to consider several factors when evaluating age discrimination claims. An analysis limited only to a comparison of the age difference between the discharged employee and that employee's replacement cannot establish that an employee was discharged for non-discriminatory reasons.