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3-26-2002

## Hughes v. MCI Worldcom Inc

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UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 01-1918

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BARBARA HUGHES,

Appellant

v.

MCI/WORLDCOM, INC.

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On Appeal from the United States District Court  
for the District of New Jersey

District Court Judge: The Honorable Alfred M. Wolin  
(Action No. 99-cv-04585)

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Submitted Under Third Circuit L.A.R. 34.1(a)  
March 1, 2002

Before: ROTH, FUENTES, and KATZ, Circuit Judges

(Opinion Filed: March 26, 2002)

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OPINION OF THE COURT

FUENTES, Circuit Judge:

Appellant Barbara Hughes ("Hughes") appeals the District Court's grant of summary judgment to her employer, Appellee MCI WorldCom ("WorldCom"), on Hughes's disparate treatment and equal pay claims. Hughes, an African-American woman who is more than forty years old, alleged that her June 1999 demotion at WorldCom was motivated by discriminatory animus and that she was being paid less than certain white male WorldCom employees who held the same position that she did.

This case was properly removed to federal court, and we have jurisdiction over the instant appeal pursuant to 28 U.S.C. 1291. The applicable standard of review is plenary. See, e.g., *Ersek v. Township of Springfield*, 102 F.3d 79, 83 (3d Cir. 1996).

Upon reviewing the evidence adduced, the District Court determined that there was no triable issue of fact in dispute as to whether WorldCom's proffered rationales for Hughes's demotion and alleged comparatively lower pay were pretextual. It further determined that Hughes's claim of discrimination based upon national origin should be dismissed, as it was not pursued in the course of arguing the motion.

After a careful review of the record and the parties' arguments, we find no basis for disturbing the District Court's well-reasoned findings. We will therefore AFFIRM the judgment for substantially the same reasons set forth in the District Court's opinion.

Kindly file the foregoing Opinion.

/s/ Julio M. Fuentes  
Circuit Judg