

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-60622

HELENE SMITH WILLSON and
ARLYNRA EDWARD,

Plaintiff-Appellee,

versus

JOHN W. SHANNON, Secretary of the
Army, Department of the Army,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
(93-cv-51)

December 12, 1995
Before REAVLEY, KING, and WIENER, Circuit Judges.

PER CURIAM:*

John Shannon, Secretary of the Army, appeals certain aspects of the district court's judgment awarding damages and injunctive relief to Helene Smith Willson and Arlynra Edward based on a jury verdict finding that the Army Corps of Engineers discriminated against Willson and Edward on the basis of sex and retaliated against them for filing a discrimination claim with the EEOC.

*Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the court has determined that this opinion should not be published.

The Army also appeals the district court order denying its motion for new trial.

We VACATE the district court's awards of front pay to Willson and Edward, Willson's award of priority preference for promotion and Edward's award of priority placement on the Displaced Employee Program List, and REMAND with instructions that the district court enter a modified judgment awarding Willson and Edward front pay from the date of judgment to the date each is offered a real estate appraiser or substantially similar position by the Army, and granting Willson and Edward priority preference for promotion to the next available real estate appraiser or substantially similar position, leaving it to the Army to determine whether to promote Willson or Edward first.

We AFFIRM the district court's denial of the Army's motion for new trial. We conclude that the district court's award of back pay, front pay and priority preferences for promotion to both Willson and Edward (as modified herein) does not constitute plain error which, if not corrected, would seriously affect the fairness, integrity, or public reputation of judicial proceedings.

Finally, we AFFIRM the district court's final judgment in all other respects, including the award of attorney's fees for appeal.

IV. CONCLUSION

For the foregoing reasons, we AFFIRM in part and VACATE and REMAND in part, with instructions that the district court enter a modified judgment consistent with this opinion.