

UNITED STATES COURT OF APPEALS
for the Fifth Circuit

No. 93-9114
Summary Calendar

WILLIAM C. LAWRENCE,

Plaintiff-Appellant,

VERSUS

GTE TELEPHONE OPERATIONS,

Defendant-Appellee.

Appeal from the United States District Court
for the Northern District of Texas
(3:92-CV-601-J)

(September 19, 1994)

Before DUHÉ, WIENER, and STEWART, Circuit Judges.

PER CURIAM:¹

Appellant William C. Lawrence appeals the trial court's judgment in favor of Appellee GTE Telephone Operations (GTE). Appellant's sole contention on appeal addresses the sufficiency of the trial court's factual findings under Federal Rule Civil Procedure 52(a). We affirm.

FACTS

¹ 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

William Lawrence, an African-American male employed by GTE since 1982, sought a promotion in 1990. GTE chose Richard B. Weston, a caucasian male, for the position instead. Lawrence filed a Title VII suit alleging race-based employment discrimination and retaliation. The retaliation claim referred to a Charge of Discrimination Lawrence had filed with the Equal Employment Opportunity Commission (EEOC) before seeking the promotion. After a bench trial, the court issued factual findings and conclusions of law, and entered judgment in favor of GTE. Lawrence appeals.

DISCUSSION

Appellant contends that the trial court's factual findings pertaining to the retaliation claim were inadequate. In a bench trial, "the court shall find the facts specially and state separately its conclusions of law." Fed. R. Civ. P. 52(a). "[T]he findings must be explicit enough to enable us to review them." Ratliff v. Governor's Highway Safety Program, 791 F.2d 394, 400 (5th Cir. 1986).

To prove a prima facie case for retaliation, Appellant must show that (1) he engaged in an activity protected by Title VII, (2) an adverse employment action occurred, and (3) a causal connection existed between participation in the activity and the adverse employment decision. McMillian v. Rust College, Inc., 710 F.2d 1112, 1116 (5th Cir. 1983). The trial court concluded that Lawrence had not proven a causal connection between the EEOC Charge and the hiring decision. Appellant contends that the court's factual findings are insufficient to sustain this conclusion.

The trial court made the following, relevant factual findings:
(1) GTE employed Weston since 1970 and as a director since 1985;
(2) the open position was a lateral move for Weston; (3) for Lawrence, the position would have been a promotion to a higher level; and (4) Lawrence was not more qualified than Weston for the position. The findings indicate that GTE gave the position to Weston because of his qualifications and his seniority, not because of Lawrence's EEOC Charge. Thus, the court could conclude that no connection existed between the Charge and the hiring decision. We determine that the court's findings comport with Rule 52(a).

AFFIRMED.