

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-2533

Summary Calendar

ANNETTE R. CALCOTE,

Plaintiff-Appellant,

versus

THE METHODIST HOSPITAL
and CLARK WADE,

Defendants,

THE METHODIST HOSPITAL,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Texas
(CA-H-92-296)

(May 20, 1994)

Before KING, HIGGINBOTHAM, and BARKSDALE, Circuit Judges.

PER CURIAM:*

We affirm the summary judgment in favor of Methodist Hospital.
Calcote must show that Methodist failed to take prompt and

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

effective remedial action after she complained.¹ The record shows that within three days after Calcote complained, Methodist began an investigation and told Wade to avoid contact with Calcote pending its outcome. When the investigation concluded, Methodist issued a written reprimand to Wade and placed it in his permanent file, ordered him not to speak to Calcote, ordered him to see a therapist to determine if he had a drinking problem, and warned Wade that repeating such behavior would result in his immediate termination. Wade did not speak to Calcote again.

This response sufficed. Title VII does not require an employer to impose the most severe punishment available.² Wade made two phone calls.³ Prior to those calls, Methodist had received no complaints about Wade.⁴ Evidence showed that Wade acted under the temporary influence of painkillers and alcohol taken for back pain.⁵ No new incidents occurred after the reprimand. Title VII did not require more action by Methodist on these facts.

AFFIRMED.

¹Waltman v. Int'l Paper Co., 875 F.2d 468, 478-79 (5th Cir. 1989).

²Landgraf v. USI Film Prod., 968 F.2d 427, 430 (5th Cir. 1992), aff'd, 1994 WL 144450 (U.S. Apr. 26, 1994). See also Saxton v. American Tel. & Tel. Co., 10 F.3d 526, 536 (7th Cir. 1993).

³Cf. Waltman, 875 F.2d at 477.

⁴See Landgraf, 968 F.2d at 430. See also Intlekofer v. Turnage, 973 F.2d 773, 779-80 (9th Cir. 1992).

⁵See generally Dornhecker v. Malibu Grand Prix Corp., 828 F.2d 307, 309-10 (5th Cir. 1987).