

**980 - Employment Retaliation** - A care worker for a company that provides services to persons with intellectual and developmental disabilities was fired within days of reporting the abuse of a resident by a fellow employee – the company explained the worker was fired for violating HIPAA in sharing a photo of the abuse with a former employee, that employee reporting the abuse to the Attorney General

*Walters v. Brandi's Hope Community Services*, 17-900

Plaintiff: Jim Waide and Rachel Pierce Waide, *Waide & Associates*, Tupelo

Defense: Mark N. Halbert, *Phelps Dunbar*, Tupelo

Verdict: \$100,000 for plaintiff

Court: Lee

Judge: James D. Moore

Date: 11-21-19

Heather Walters worked as a Direct Care Worker for Brandi's Hope Community Services. The firm provides services to persons with intellectual and developmental disabilities. In the course of her employment, Walters observed a resident with bruises on their face. Walters inquired and learned a co-worker had abused the resident.

Walters reported the abuse to her supervisor. She also advised a former employee, Frankie and shared a photograph of the abuse with Frankie. Frankie in turn reported the abuse to the Mississippi Attorney General.

Within days of Walters reporting the abuse, Brandi's Hope (it is operated by its owner and founder, Danny Cowart), fired Walters. Brandi's Hope cited Walters was sacked for violating HIPAA rules in sharing a photograph of the abuse with Frankie who was a non-employee.

Walters then sued Brandi's Hope and Cowart individually, presenting a variety of counts. They included employment retaliation (a public policy violation) and a separate malicious interference claim against Cowart and the local manager. The jury could award Walters both compensatory and punitive damages.

Brandi's Hope denied that the firing represented retaliation or that there had been any improper interference with the plaintiff's employment. As cited above, Walters was fired because of the purported HIPAA violation.

The jury in this case returned a mixed verdict. It was for Walters on retaliation and against Cowart for malicious interference. The local manager was exonerated. Then moving to damages, Walters took a general award of \$100,000, the jury rejecting the imposition of punitives. At the time of this report, no judgment had been entered.

Case Documents:

[The Jury Verdict](#)