

# Fifth Circuit Overturns Arbitration Order Where Employer Failed to Countersign Agreement

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Photographic*

The 5th U.S. Circuit Court of Appeals has reversed a Texas federal court's order compelling arbitration in a sexual harassment and discrimination case because one party failed to sign an agreement to arbitrate, reports Karl Bayer in the **Disputing blog**.

Writing for the blog, Beth Graham describes the case in which the plaintiff, Huckaba, signed an arbitration agreement that waived her right to sue Ref-Chem L.P. prior to beginning employment with the company.

“The agreement included a signature box for Ref-Chem and also required that the company reciprocate by giving up its right to sue Huckaba. After the woman signed the contract, however, Ref-Chem failed to have an officer of the company countersign the document.”

When Huckaba later filed a sexual harassment, discrimination, and retaliation lawsuit against Ref-Chem, the company responded by filing a motion to compel arbitration. The

district court granted Ref-Chem's motion.

The 5th Circuit concluded "there is not a valid agreement to arbitrate in this case," reversed the district court's order compelling the dispute to arbitration, and remanded the lawsuit back to the district court, Graham writes.

**Read the article.**