# Once Again, Trump DOJ Busts Convention, Splits Government in High-Profile Employment Case

The case of Donald Zarda, a skydiver who claimed his employer, Altitude, violated Title VII when it fired him after finding out he was gay, illustrates how the U.S. Department of Justice and the Equal Opportunity Commission can sometimes operate at cross purposes in litigation.

According to a **Reuters report**, the EEOC, an independent federal agency, is representing Zarda's estate against the former employer. At the same time, the DOJ has filed its own amicus brief, explicitly disavowing the EEOC's stance.

**Alison Frankel** writes that the brief "argued primarily that the EEOC and the 7th Circuit, which adopted the agency's reasoning in its en banc opinion last April in *Hively v. Ivy Tech Community College*, disregarded the actual language of the statute and misread Supreme Court precedent on interpreting that language. According to the Justice Department, it's up to Congress, not the courts, to legislate protection for gay and lesbian employees, and Congress has steadfastly refused to do so."

**Read the Reuters article**.

**Join Our LinkedIn Group**