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Former worker at Fairfield plant wins wrongful termination case

FAIRFIELD, Iowa - A California company with a factory in Fairfield must pay a former worker \$161,000 after a jury found it wrongfully fired him for filing a claim for a work-related injury.

A Jefferson County jury awarded James Daugherty \$40,163 in past lost earnings, \$46,000 in future lost earnings and \$75,000 in punitive damages.

Daugherty, 49, was a forklift driver in the shipping department of Traffix Devices Inc., a San Clemente, Calif.-based company with a Fairfield factory that makes traffic safety products, including orange barrels and cones used to mark highway hazards and construction areas.

"This is a big verdict in relation to the wages at issue," said a statement from Daugherty's attorney, Thomas Newkirk, of Johnston. "The jury clearly wanted to send a message regarding the company's behavior and awarded punitive damages on top of lost wages."

Daugherty was among three workers who claim they were terminated because they had filed claims for work-related injuries.

The workers made \$8 to \$9 an hour, Newkirk said.

He said the company laid off a group of workers then fired those with the highest cost worker's compensation claims.

Court documents indicate Daugherty was hired in 1998. In June 2004, he filed for worker's compensation payment after claiming he developed medical problems in his hands and nerve damage in an elbow.

In October 2004, he complained to his supervisor that his worker's compensation claim was not being addressed. Two weeks later he was laid off. He was fired on Dec. 1, 2004.

Out of nine employees laid off, three were not called back, court documents allege. All had worker's compensation claims.

Daugherty's lawsuit was filed in February 2006. The jury returned its verdict on Monday.

The company has until April 1 to file post trial motions including an appeal. On Wednesday, the company filed a motion seeking more time.

Two other employees, Joseph Pulse, of Eldon and Lynnette Hostetter of Fairfield have filed similar lawsuits against the company.

A telephone message left Wednesday for Traffix Devices was not immediately returned.

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