

Lawsuit: Home Depot retaliated against senior cashier after threatening customer bullied her into completing a sale

The 70-year-old's calls to managers for help went unanswered, according to the lawsuit.

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/EINPresswire.com/ -- A woman who worked as a head cashier at a San Francisco Bay area Home Depot store was fired at age 70 by the retail giant after a customer bullied her into completing a suspicious transaction, according to a new lawsuit.



Carleen Acevedo's civil complaint against Home Depot, filed in Contra Costa County Court, accuses the company of age discrimination, retaliation, wrongful termination, and infliction of emotional distress. Home Depot failed to back up this longtime employee, who is now 72, when she was face-to-face with a thief and instead used the incident as a pretext to discard her "like trash," the lawsuit said, demonstrating a disregard for employee safety at a time when smash-and-grab robberies were rampant.

The company's treatment of Acevedo, who found out she was paid less than a recently hired teenager, highlights the risks that older workers face when companies disregard their physical safety and their right to be fairly compensated. A [survey by AARP](#) found that 60 percent of older workers have experienced age discrimination in the workplace.

Acevedo was working as a cashier alone in the store's Garden Center on July 14, 2023, when she assisted a customer in using a debit card to purchase an item. The back of the card had instructions to process payments as cash transactions. Afterward, Acevedo thought about the transaction and became suspicious of the behavior of the customer and the debit card.

The customer later returned and wanted to buy some high-dollar items. Acevedo was uncomfortable with the transactions, according to the lawsuit, and tried to call her manager or

another head cashier for assistance but no one answered. When Acevedo explained that she was calling her supervisor, the customer aggressively told her, "don't call them." Then he menacingly leaned over, as if preparing to strike her. Fearing for her safety, Acevedo completed the transaction but also printed a duplicate copy of the receipt for her manager, which also angered the customer, the lawsuit states.

When she processed the transaction under duress, Acevedo was petrified of the man. She was aware of company policy that employees like herself were not supposed to stop customers from stealing, according to the lawsuit. She knew that a security guard at a nearby Home Depot in Pleasanton had been shot to death by a shoplifter in April 2023.

On July 18, 2023, Home Depot terminated Acevedo for violating the company's Standards of Performance and alleged gross negligence, "but those were just pretexts and she was fired because of her age," said [Chambord Benton-Hayes](#), of Oakland-based Benton Employment Law.

Prior to the incident with the threatening customer, Acevedo had complained to management, in January 2023, after seven years at the company, that a newly hired teenager received a higher wage than her, Benton-Hayes said. Acevedo eventually received a bump in pay, but the company never informed her of the result of any investigation of her legally protected complaint of age discrimination.

"Ms. Acevedo got caught between a thief using intimidation to take merchandise and a management team looking for any excuse to fire her," Benton-Hays said. "She followed company policy when faced with an aggressive thief. The real reason she was fired was that she had the temerity to complain of wage discrimination based on her age."

The lawsuit seeks past and future compensatory and punitive damages, in an amount to be proven at trial.

Benton-Hayes, of Benton Employment Law, filed the lawsuit in Contra Costa County Superior Court; *Acevedo v. Home Depot U.S.A., Inc., Mendez, Does 1-50*; Case Number: C24-02018 (July 31, 2024).

Chambord Benton-Hayes successfully represents clients in litigation and arbitration concerning sexual harassment, various forms of discrimination, retaliation, wrongful termination, and harassment. Additionally, she negotiates executive compensation and severance agreements, employing either strategic negotiation or assertive litigation based on the case needs, backed by substantial experience.

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