

[DO NOT PUBLISH]

In the  
United States Court of Appeals  
For the Eleventh Circuit

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No. 22-13171

Non-Argument Calendar

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CINDY NARAINÉ,

Plaintiff-Appellant,

*versus*

CITY OF HOLLYWOOD,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Southern District of Florida  
D.C. Docket No. 0:21-cv-60313-RAR

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Before WILLIAM PRYOR, Chief Judge, and LAGOA and BRASHER, Circuit Judges.

PER CURIAM:

Cindy Naraine appeals the summary judgment in favor of her former employer, the City of Hollywood, and against her complaint of employment discrimination and retaliation based on race and sex in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*; the Florida Civil Rights Act, Fla. Sta. § 760.10; and 42 U.S.C. § 1983. The district court ruled that Naraine failed to establish that the city’s proffered legitimate, nondiscriminatory, and nonretaliatory reasons for terminating her were a pretext for discrimination. We affirm.

On January 27, 2019, after working for three years as an administrative assistant with the information technology department, Naraine began a one-year probationary term as a firefighter. In a recruit class of six, she was the only black female firefighter, as well as the oldest. She was assigned to the Fire Prevention Bureau, and the other members—four white males and one Hispanic female—were assigned to operations. During her first few months, Naraine received an “excellent” rating on her performance reviews, and her supervisor, Fire Marshal Chris Del Campo, rated her performance as “outstanding.”

On November 7, 2019, Naraine was on duty when she asked a field training officer if she could take a work break. On that break, she and her domestic partner, Nicholas Gasbarro, a city employee

22-13171

Opinion of the Court

3

in a different department, met with the city manager, who was Naraine's personal acquaintance. According to Naraine, the purpose of the meeting was for Gasbarro to request a work schedule change to allow him more flexibility to care for their children. Naraine later attested that she could not request a different work schedule as a first responder, so she attended the meeting only as Gasbarro's supporter and "sat quietly." After the meeting, Gasbarro emailed the city manager thanking him for "giving us the opportunity to discuss the hardship" that they were facing as a family. The city manager later attested that he "recall[ed] both [Naraine] and [Gasbarro] asking to meet with" him, and his impression was that both of them "were asking for help during the meeting." The city manager also attested that, after the meeting, he asked the deputy city manager to follow up with Fire Chief Rudolfo Jurado to "see if there's anything that could be done" for Naraine.

When Chief Jurado learned that Naraine might have met with the city manager without prior approval, it "caused [him] great concern." He explained that the meeting would be an "unprecedented violation of the chain of command, a probationary [f]irefighter skipping all intervening levels of supervisory personnel to meet with the Chief Administrative Officer of the entire City." Chief Jurado asked Deputy Chief Analdy Garcia to investigate.

During his investigation, Deputy Chief Garcia and the Deputy Fire Marshal met with Naraine and her supervisor. Deputy Chief Garcia's notes from the meeting reflected that Naraine denied contacting the city manager and clarified that Gasbarro had

arranged the meeting. Naraine later asserted that she never denied attending the meeting and that she did not tell Deputy Chief Garcia whether she attended the meeting because he never asked.

On January 8, 2020, Deputy Chief Garcia recommended terminating Naraine before the end of her probationary year because she had breached the chain of command and falsely denied having “any contact” with the city manager. Chief Jurado met with the city manager and four other city officials about his decision to terminate Naraine based on Garcia’s recommendation. In discussing the chain-of-command issues, Chief Jurado also mentioned problems relating to Naraine’s continued inquiries about some fringe benefits that did not transfer to her new position and her refusal to accept the department’s decision about the benefits, which had become “burdensome” to him.

A week later, Chief Jurado and Del Campo told Naraine that “it did not serve the city’s best interest to continue her employment” and that Chief Jurado determined that she was “not a good fit for the agency.” Naraine resigned in lieu of termination. The next month, she reapplied for the same position. She filed a charge of discrimination two months later. The city deemed Naraine ineligible for rehire and interviewed other candidates before hiring a white male.

Naraine filed a complaint against the city in the district court. The city moved for summary judgment, which the district court granted. Because the city conceded for the purposes of summary judgment that Naraine had established a prima facie case of

22-13171

Opinion of the Court

5

discrimination, the district court considered the city's proffered reasons for its actions and determined that the two reasons were legitimate, nondiscriminatory, and nonretaliatory.

The district court also ruled that Naraine failed to establish that the proffered reasons were a pretext for discrimination. It determined that the record established that Naraine violated the chain of command by meeting with the city manager to discuss childcare accommodations without her supervisor's permission and that Chief Jurado's belief that she lied during the investigation was honest, even if mistaken. The district court also ruled that Naraine failed to identify a suitable comparator who engaged in similar misconduct and was treated more favorably.

We review a summary judgment *de novo* and view the evidence in Naraine's favor. *Tonkyro v. Sec'y, Dep't of Veterans Affs.*, 995 F.3d 828, 832 (11th Cir. 2021). Summary judgment is appropriate when "there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(a). The "summary judgment rule applies in job discrimination cases just as in other cases. No thumb is to be placed on either side of the scale." *Chapman v. Al Transport*, 229 F.3d 1012, 1026 (11th Cir. 2000) (en banc).

The district court correctly ruled that Naraine failed to establish that the proffered legitimate, nondiscriminatory reasons for deciding to terminate her were a pretext for discrimination. Naraine argues that she did not violate any workplace policies because she did not initiate or "participate" in the meeting with the city

manager, and she did not falsely deny attending the meeting during Deputy Chief Garcia’s investigation. But our scope of review is limited. See *Elrod v. Sears, Roebuck & Co.*, 939 F.2d 1466, 1470 (11th Cir. 1991) (“[We] do not sit as a super-personnel department that reexamines an entity’s business decisions.” (quotation marks omitted)). We ask only whether Chief Jurado, in deciding to terminate Naraine, honestly believed that she had violated the department’s policies. See *id.* (explaining that our inquiry turns not on whether the employee was guilty of the alleged misconduct but whether the decisionmaker believed so in good faith and whether this belief was the reason for termination); *Owens v. Governor’s Off. of Student Achievement*, 52 F.4th 1327, 1338 (11th Cir. 2022) (“An employer may fire an employee for a good reason, a bad reason, a reason based on *erroneous facts*, or for no reason at all, as long as its action is not for a discriminatory reason.” (quotation marks omitted, emphasis added)).

Naraine argues that Chief Jurado did not honestly believe that she had violated the chain of command. She contends that Deputy Chief Garcia attested that Chief Jurado told him that she had requested an accommodation from the city manager, which she contends is false and is evidence that Chief Jurado was the source of the “false representation.” This argument fails.

If Chief Jurado expressed to Deputy Chief Garcia before the investigation that he believed Naraine had met with the city manager about an accommodation request—whether on behalf of herself, Gasbarro, or both—that statement would support the city’s

22-13171

Opinion of the Court

7

position that Chief Jurado honestly believed that Naraine had violated the chain of command. The evidence is undisputed that Chief Jurado consulted with the city manager about his decision to terminate Naraine. The city manager's recollection was that both Naraine and Gasbarro requested the meeting and "were asking for help." Naraine failed to present any evidence that Chief Jurado did not honestly believe she had violated workplace policies. Because the undisputed evidence also establishes that Chief Jurado decided to terminate Naraine based on his belief that she was uncooperative during the investigation, we need not address her argument that the district court should have disregarded Deputy Chief Garcia's deposition, which contained a purported transcription error regarding his, but not Chief Jurado's, impression of Naraine's truthfulness during the investigation.

We **AFFIRM** the summary judgment in favor of the city.