

## Man Claiming Hand Scanning Time Clock Causes “Mark Of The Beast” Wins Religious Discrimination Suit

January 23, 2015 | [Employment Discrimination, Currents - Employment Law](#)



**Mark S. Kittaka**  
Partner

Last week, a federal jury in West Virginia found in favor of a plaintiff claiming that his coal mining employer discriminated against him based on his religious beliefs by failing to provide a reasonable accommodation for his religious objection to the company’s use of a biometric hand-scanning time clock. The plaintiff was an evangelical Christian who believed that the use of the hand scanner was discussed in the Book of Revelation in the Bible when it described the Antichrist as causing all to have a “mark on their right hand.” He believed that using the hand scanner would place the “Mark of the Beast” on him which was prohibited by his religious beliefs. The company offered an accommodation of using only his left hand with his palm facing up since the Bible mentioned nothing about a person’s left hand. The employee asked to submit his time manually or check in personally with his supervisor. The company stood by its proposed accommodation of scanning his left hand but refused to permit him to clock in manually. Faced with this choice, the plaintiff chose to “retire” and then he claimed it was “constructive discharge.” The jury deliberated and ultimately found in favor of the plaintiff in the amount of \$150,000.00 in compensatory damages. The issue of punitive damages has not yet been decided but will be decided in a further proceeding. The takeaway from this is that the EEOC is pursuing religious discrimination claims as a priority and employers should take heed anytime an employee claims that he needs some change to his job duties based on his “religious beliefs.” These types of claims have become more extreme over the years as courts have even reviewed the religious assertions of plaintiffs claiming that body piercings and tattoos are part of their religious beliefs in the Church of Body Modification. Reasonable accommodations could take the form of flexible scheduling, voluntary shift substitutions or swaps, job reassignments and modifications to workplace policies or practices. Employers should contact legal counsel if they have questions of how to proceed in the face of such a request.

### RELATED PRACTICE AREAS

Arbitration and Grievances  
EEO Compliance  
Labor and Employment  
Workplace Culture 2.0

### RELATED TOPICS

Discrimination  
EEOC  
religious discrimination