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Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-1785**

Braulio Garcia,
Appellant,

vs.

Daikin Applied Americas Inc.,
Respondent.

**Filed May 26, 2026
Affirmed
Beane, Judge**

Hennepin County District Court
File No. 27-CV-24-13038

Paul M. Schinner, Susan M. Coler, Halunen Law, Minneapolis, Minnesota (for appellant)

Susan K. Fitzke, Annika Petty Storlie, Littler Mendelson, P.C., Minneapolis, Minnesota
(for respondent)

Considered and decided by Bentley, Presiding Judge; Beane, Judge; and Smith,
John, Judge.*

NONPRECEDENTIAL OPINION

BEANE, Judge

Appellant Braulio Garcia challenges the summary-judgment dismissal of his claims
against respondent Daikin Applied Americas Inc. (Daikin), his former employer, for

* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to
Minn. Const. art. VI, § 10.

alleged retaliatory discharge in violation of the Minnesota Whistleblower Act (MWA), Minn. Stat. § 181.932 (2024), and the Minnesota Workers' Compensation Act (WCA), Minn. Stat. § 176.82 (2024). Garcia argues that (1) the district court erred in relying on the *McDonnell Douglas* burden-shifting framework;¹ and (2) even if *McDonnell Douglas* applies, the district court erred in concluding that the evidence was insufficient to create a genuine issue of material fact that Daikin's proffered reason for discharging him was pretextual and the discharge was retaliatory. We affirm.

FACTS

On appeal from summary judgment, “we consider the undisputed facts along with any disputed facts as construed in the light most favorable to the party against whom summary judgment was granted.” *Moore v. City of New Brighton*, 932 N.W.2d 317, 323 (Minn. App. 2019), *rev. denied* (Minn. Oct. 15, 2019). Accordingly, the facts recited here about Garcia's employment and discharge are undisputed or based on evidence viewed in the light most favorable to Garcia.

Garcia worked as a panel cell operator in Daikin's Faribault plant from February to March 2024. Daikin designs and manufactures commercial and industrial heating, ventilation, and air conditioning (HVAC) systems. Garcia's job duties as a panel-cell operator included moving panel cells, which are components of large commercial HVAC units, off an assembly line.

¹ As explained below, the *McDonnell Douglas* framework is a burden-shifting framework for evaluating discrimination claims. See *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973).

On March 12, Garcia hit his elbow on a stationary hoist while moving panel cells. After his lunch break, he reported the incident to a supervisor, who gave him an incident-report form and information about workers' compensation. The supervisor also gave Garcia an ice pack to apply to his elbow while completing the paperwork. Later that day, Garcia spoke to human resources manager Samantha Malecha to ask about the information he received and what he should do if he missed work because of the injury. He expressed concern that he may have fractured his elbow. At Malecha's direction, a supervisor took Garcia to urgent care, but no medical provider was available to see him.

The next morning, a supervisor took Garcia back to urgent care, where a medical provider diagnosed him with an elbow contusion and gave him written work restrictions. Garcia returned to work within those restrictions. Meanwhile, Malecha filed a workers' compensation claim for him.

Later that day, Garcia spoke with Malecha again. Unbeknownst to Malecha, he recorded the conversation on his phone. Malecha answered Garcia's questions about work restrictions and workers' compensation and confirmed that she had filed his workers' compensation claim. As the conversation went on, Garcia asked again about "compensation," and Malecha responded, "We don't need to talk about compensation because you're working." Garcia questioned whether his work restrictions were adequate, which Malecha said he would need to discuss with his medical provider. Garcia also mentioned a concern about workplace safety and suggested his injury was "avoidable." Malecha said, "I don't think I can speak anymore on that topic," and then asked if Garcia had any more questions. Garcia said he would return later in the week with an "updated

version” of his work restrictions. The next two days, March 14 and 15, Garcia used “sick and safe” time to seek further medical care and recuperate.

Early the following Monday, March 18, Garcia again spoke to Malecha and again recorded their conversation without her knowledge. Garcia reiterated his workplace-safety concern, particularly stating that the lead worker in his area of the factory was “throwing panels around” and required him and others to stand in hazardous locations when handling panels. Malecha told Garcia that she is not a safety professional but told him he could contact Occupational Safety and Health Administration (OSHA) directly to file a complaint. And she referred Garcia to Daikin’s environmental health and safety manager, with whom Garcia had a long conversation that included discussion of filing a workplace-safety complaint. Garcia recorded that conversation, too, without the environmental health and safety manager’s knowledge.

That afternoon, Malecha received a report that Garcia had recorded conversations in the workplace. Both Daikin’s employee handbook and a union rule for the Faribault plant (Rule #27) prohibit workplace recording and authorize termination of employment upon a first offense. Malecha approached Garcia and told him that she “heard through the grapevine” that he was recording conversations at work. She asked him if it was true, and he said yes. Malecha told Garcia that he was suspended pending an investigation for violating Daikin’s recording prohibition. Garcia took out his phone and began recording the conversation. Malecha noticed and told Garcia she did not consent to being recorded. Garcia stopped recording. He was escorted from the premises shortly thereafter. Nobody asked Garcia about the substance of his recordings or requested access to them.

The next day, Malecha wrote to Garcia, stating that “[a]s a result of an internal investigation,” his “final date of employment” was March 18. The letter did not specify a reason for his discharge. On April 4, Garcia requested a “truthful reason” for his discharge from Daikin,² and Malecha responded with an April 5 letter saying that his employment was terminated “due to violating the Company’s Workplace Recording and Code of Conduct policies, Union Contract Rule #27, and insubordination.” Malecha later said that she considered Garcia to have been insubordinate on March 18 because she believed, based on what she saw on his phone, that he failed to stop recording when asked.

Garcia sued Daikin, asserting claims of retaliatory discharge in violation of the MWA, Minn. Stat. § 181.932, and the retaliation prohibition in the WCA, Minn. Stat. § 176.82. Daikin moved for summary judgment. Applying the *McDonnell Douglas* burden-shifting framework, the district court reasoned that Garcia established a prima facie case of retaliation because he engaged in protected conduct under both the MWA and the WCA and was discharged shortly thereafter. The district court further concluded that Daikin presented legitimate reasons for the discharge—Garcia’s violation of the recording prohibition and insubordination—and Garcia failed to present evidence that those reasons were pretextual. Based on that analysis, the district court granted Daikin’s motion and dismissed Garcia’s claims.

Garcia appeals.

² Under Minnesota law, an employee who has been involuntarily terminated from employment may request that the employer “inform the terminated employee in writing of the truthful reason for the termination.” Minn. Stat. § 181.933, subd. 1 (2024).

DECISION

Summary judgment is appropriate when the moving party shows that “there is no genuine issue as to any material fact and the movant is entitled to judgment as a matter of law.” Minn. R. Civ. P. 56.01. We review a district court’s grant of summary judgment de novo “to determine whether there are genuine issues of material fact and whether the district court erred in its application of the law.” *Montemayor v. Sebright Prods., Inc.*, 898 N.W.2d 623, 628 (Minn. 2017) (quotation omitted). In doing so, we view the evidence in the light most favorable to the party against whom summary judgment was granted. *Moore*, 932 N.W.2d at 323. “Fact issues exist when reasonable persons might draw different conclusions from the evidence presented.” *Hanson v. Dep’t of Nat. Res.*, 972 N.W.2d 362, 372 (Minn. 2022) (quotation omitted). But a party cannot prevent summary judgment with “conclusory allegations” or “mere speculation or conjecture.” *Staub as Tr. of Weeks v. Myrtle Lake Resort, LLC*, 964 N.W.2d 613, 620, 625 (Minn. 2021) (quotations omitted). If the evidence presents no more than a “metaphysical doubt,” it does not raise a genuine fact issue for trial. *Metro. Transp. Network, Inc. v. Collaborative Student Transp. of Minn., LLC*, 6 N.W.3d 771, 778 (Minn. App. 2024) (quoting *DLH, Inc. v. Russ*, 566 N.W.2d 60, 71 (Minn. 1997)), *rev. denied* (Minn. July 23, 2024).

Both the MWA and the WCA prohibit an employer from discharging an employee in retaliation for protected conduct—in the case of the MWA, making a good-faith report of a violation or suspected violation of law, Minn. Stat. § 181.932, subd. 1(1); and in the case of the WCA, seeking workers’ compensation, Minn. Stat. § 176.82, subd. 1. Under the “often employ[ed]” *McDonnell Douglas* framework, analyzing a retaliatory-discharge

claim has three steps. *Hanson*, 972 N.W.2d at 372. First, the employee must present a prima facie case of retaliation by identifying a causal connection between the employee's protected conduct and the discharge, such as "close temporal proximity" between the two. *Id.* at 373-74. Second, the burden shifts to the employer to show a "legitimate," nonretaliatory reason for the discharge. *Id.* at 373 (quotation omitted). Third, the employee must show that the employer's proffered reason is "pretextual," with evidence either that the employer's stated reason is false or that "an improper reason motivated the discharge decision." *Id.* (quotation omitted). "The employee retains the ultimate burden of persuasion." *Id.*

I.

Garcia first contends the district court erred by applying *McDonnell Douglas*. He argues that the ubiquitous application of that framework is merely the result of "judicial inertia," it is inconsistent with the summary-judgment standard under rule 56, and no binding authority requires Minnesota courts to apply that framework at summary judgment or in MWA or WCA cases. But Garcia did not present this argument to the district court. Instead, he argued that he had satisfied *McDonnell Douglas*. Even in a summary-judgment appeal, we "must generally consider only those issues that the record shows were presented [to] and considered by the [district] court in deciding the matter before it." *Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988) (quotation omitted). Because Garcia did not argue to the district court that it should not apply *McDonnell Douglas* in deciding Daikin's motion for summary judgment, he has forfeited that argument on appeal.

Even if this argument were properly before us, we could not conclude that the district court erred by applying *McDonnell Douglas*. The Minnesota Supreme Court has consistently—and recently—approved the use of *McDonnell Douglas* at summary judgment. See *Cooper v. USA Powerlifting*, 26 N.W.3d 604, 615-16 (Minn. 2025). And we have recognized that *McDonnell Douglas* is now the “customary” analysis that Minnesota courts apply for various employer-retaliation claims. *Moore*, 932 N.W.2d at 323. This includes retaliation claims under the MWA and the WCA. *Hanson*, 972 N.W.2d at 372 (MWA); *Benson v. Nw. Airlines, Inc.*, 561 N.W.2d 530, 539 (Minn. App. 1997) (WCA), *rev. denied* (Minn. June 11, 1997). Because our caselaw approves the application of *McDonnell Douglas* in the context of MWA and WCA retaliation claims and at the summary-judgment stage, the district court did not err by applying it here.

II.

Garcia alternatively argues that, even if *McDonnell Douglas* applies, the district court erred by granting summary judgment because genuine issues of material fact exist as to whether Daikin’s proffered reasons for discharging him were a pretext for retaliation. At this third step of *McDonnell Douglas*, Garcia must present evidence that Daikin’s stated reason for discharging him was “not true” and retaliation “was the real reason.” *Hanson*, 972 N.W.2d at 373, 375. Or if there is evidence that Daikin had mixed motives—partially legitimate and partially unlawful—then he must present evidence that the unlawful reason “motivated” the employer’s decision. *Id.* at 373, 376.

Garcia raises five ways in which he contends the evidence creates a genuine issue of material fact that retaliation was Daikin’s real reason for discharging him. We address

each in turn, and ultimately, we conclude that the evidence is insufficient to support more than mere conjecture that Daikin's stated reasons for his discharge were a pretext for retaliation.

First, Garcia asserts that he presented evidence that Malecha's belief that he violated Daikin's recording prohibition was neither reasonable nor honest and therefore was not the real reason for discharging him. He points to evidence that the prohibition contains an exception for conduct protected by the National Labor Relations Act, Malecha was aware of the exception, and she did not question Garcia about his recordings or otherwise investigate to confirm that his recordings did not fall within the exception. But Garcia does not dispute that he was recording in the workplace and admitted as much to Malecha without offering any reason why he believed his recording fell within an exception to the company's policy. In fact, Malecha directly observed Garcia violating Daikin's prohibition against recording in the workplace; immediately after he admitted to recording, Garcia openly recorded Malecha in a conversation that he has never claimed falls within an exception. Nothing in the record suggests that Malecha had any reason to believe that Garcia's admitted recordings fell within an exception to Daikin's broad recording prohibition. On this record, any conclusion that Malecha's failure to investigate further reflected a retaliatory motive, rather than a good-faith belief that Garcia had violated Daikin's recording prohibition, would be merely speculative.

Second, Garcia argues that he presented evidence that Malecha's decision to discharge him for recording in the workplace was itself retaliatory because he recorded conversations about workers' compensation and workplace safety, so his recording

violation was intertwined with his protected conduct. This argument would require Garcia to present some evidence that Malecha knew the substance of Garcia's recordings such that the content of those recordings could have influenced the discharge decision. The record here contains no such evidence. Garcia suggests that Malecha's March 18 notes about a report of Garcia "recording conversations w/ mgmt" indicate that she knew that his recordings were about workers' compensation and workplace safety. Nothing in Malecha's notes suggests that she had any information about the contents of Garcia's surreptitious recordings. Garcia claims that a jury might disbelieve Malecha's testimony that she did not know his recordings were related to his pursuit of workers' compensation and protected reports of workplace safety concerns. But again, without some evidence that Malecha knew of the contents of Garcia's recordings, any conclusion that her decision to discharge him was motivated by retaliation for his protected conduct, rather than his admitted violation of company policy, would be mere speculation.

Third, Garcia asserts that Malecha exhibited a "hostile" reaction to his protected conduct, which supports an inference of retaliatory motive. He states that he presented evidence that Malecha seemed annoyed or angry, was abrupt and condescending, and failed to make eye contact. He also asserts that there is evidence she "declined to discuss [his] safety concerns" and "insinuated that he was wrongfully trying to bilk the company." Garcia's personal belief that Malecha's attitude reflected hostility toward him is speculative. And the uncontradicted evidence of Malecha's actions indicates that she thoroughly addressed his questions and concerns about workers' compensation and workplace safety during multiple extended discussions. Malecha provided Garcia with

information about workers' compensation and filed a claim for him; accurately distinguished between receipt of workers' compensation because of missed work and other financial compensation, such as from a lawsuit; and encouraged him to consult further with his medical provider if he had concerns about the adequacy of his work restrictions. Although Malecha refused to discuss workplace safety with Garcia because it is not her area of expertise, she directed him toward available safety resources. She explained that he could contact OSHA if he wanted to file a complaint and connected him with Daikin's environmental health and safety manager, with whom Garcia also had an extended discussion. Even accepting that Malecha was annoyed or angry when interacting with Garcia, it would be mere conjecture to conclude from her demeanor that her true motive in discharging him was retaliation for his protected conduct, rather than his violation of Daikin's policy prohibiting recording in the workplace.

Fourth, Garcia contends he presented evidence that "insubordination" was not a credible basis for discharging him. He points to Malecha's deposition testimony that she believed, based on her observation of Garcia's phone during their March 18 conversation when he admitted to recording, that he did not stop recording when asked, and that she considered that noncompliance to be insubordination. Garcia argues that a jury could find this testimony not credible and instead conclude that this explanation was a complete fabrication to cover a true retaliatory motive. But Garcia has not pointed to any evidence in the record to support his claim that Malecha's allegation of insubordination was fabricated as a pretext for retaliation. Instead, the uncontroverted evidence establishes that she believed Garcia continued to record. She testified that she saw a circle on Garcia's

phone, which she understood to indicate he was recording, and that she did not observe any change in that circle after she asked him to stop recording. The only other eyewitness to their conversation testified that he also perceived that Garcia was “still recording” after Malecha asked him to stop. And Malecha’s March 18 notes, which Garcia elsewhere urges us to accept as true, state her belief that Garcia continued to record. Garcia’s assertion—that a jury might reject this evidence and conclude that Malecha actually believed he complied with her request to stop recording—is not based on evidence in the record to support it but is merely speculative and therefore insufficient to prevent summary judgment.

Fifth, Garcia argues that Malecha offered shifting reasons for discharging him by adding insubordination as a reason in her April 5 letter, when the only reason he had previously been given was his violation of Daikin’s workplace recording policies. But it is undisputed that Malecha told Garcia that he was being suspended because of his workplace recording *before* the recording incident that Malecha considered insubordinate. Including insubordination in the next communication that specified the reasons for Garcia’s discharge—the April 5 explanation letter—was not a change in explanation but an additional explanation based on additional conduct. Moreover, Daikin’s assertion that Garcia was insubordinate because of further workplace recording is consistent with its initial explanation that he was suspended because of workplace recording. Consequently, the evidence in the record does not support Garcia’s claim that Daikin’s rationale for discharging him has shifted and thus does not create a genuine issue of material fact as to retaliation.

Because Garcia does not identify any evidence that creates a genuine issue of material fact as to whether Daikin's stated reasons for discharging him were pretextual, summary judgment was properly granted. Garcia offers only speculation, unsupported by evidence, that his application for workers' compensation and report of workplace-safety concerns motivated Daikin's decision to discharge him. As a result, his retaliatory-discharge claims cannot survive summary judgment, whether we apply *McDonnell Douglas* or not. See *Hanson*, 972 N.W.2d at 377 (reaching the "same outcome" under *McDonnell Douglas* or the proposed "streamlined summary judgment standard" when employee presented only speculation, not evidence of retaliatory motive). We therefore conclude that the district court did not err by granting Daikin summary judgment and dismissing Garcia's retaliatory-discharge claims.

Affirmed.