

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOANN HENDERSON,	:	CIVIL ACTION
	:	
Plaintiff,	:	
	:	
v.	:	No. 99-4323
	:	
WILLIAM HENDERSON,	:	
Postmaster General,	:	
United States Postal Service,	:	
	:	
Defendant.	:	

MEMORANDUM

R.F. KELLY, J.

MAY 10, 2000

Joann Henderson ("Ms. Henderson"), has brought this action against William Henderson, the Postmaster General of the United States Postal Service ("Defendant"), alleging sexual harrassment, sex discrimination and retaliation in violation of Title VII of the Civil Rights Act of 1964. 42 U.S.C. § 2000e et. seq. Presently before this Court is the Defendant's Motion to Strike Plaintiff's Claim for Punitive Damages. For the reasons that follow, Defendant's Motion is granted.

At issue is whether or not punitive damages are recoverable against the United States Postal Service ("USPS") under Title VII. Section 1981a provides:

(1) Determination of punitive damages

A complaining party may recover punitive damages under this section against a respondent (other than a government, government agency or political subdivision) if the complaining party demonstrates

that the respondent engaged in a discriminatory practice or discriminatory practices with malice or with reckless indifference to the federally protected rights of an aggrieved individual.

42 U.S.C. § 1981a(b)(1)(emphasis added). The issue, therefore, is whether the USPS is a "government agency" and thus exempt from awards for punitive damages under Title VII. In Crumpton v. Runyon, No. CIV.A.97-3814, 1998 WL 125547, at *4 (E.D. Pa. Mar. 19, 1998), I recognized that the majority of courts considering this issue have held that the USPS is a governmental agency and therefore exempt from awards for punitive damages. Id.(citations omitted). Accordingly, I hold that Ms. Henderson is not entitled to punitive damages in this action.

An appropriate Order follows.

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Postmaster General,	:	
United States Postal Service,	:	
	:	
Defendant.	:	

ORDER

AND NOW, this 10th day of May, 2000, upon consideration of Defendant's Motion to Strike Plaintiff's Claim for Punitive Damages, and Plaintiff's Response thereto, it is hereby ORDERED that said Motion is GRANTED and Plaintiff's claim for punitive damages is stricken from Plaintiff's Second Amended Complaint.

BY THE COURT:

Robert F. Kelly J.