

**United States Court of Appeals  
FOR THE EIGHTH CIRCUIT**

---

No. 99-2760  
No. 99-4302

---

John R. Peterson,

Plaintiff - Appellant,

v.

Kenneth S. Apfel, Commissioner of  
Social Security Administration,

Defendant - Appellee.

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

Appeal from the United States  
District Court for the  
District of South Dakota.

**[UNPUBLISHED]**

---

Submitted: June 12, 2000

Filed: July 17, 2000

---

Before LOKEN and BRIGHT, Circuit Judges, and HAND,\* District Judge.

---

PER CURIAM.

John R. Peterson, a long-time employee of the Social Security Administration's offices in South Dakota, was reassigned from Sioux Falls to Aberdeen after an investigation into alleged work-related improprieties. When Peterson refused the reassignment, he was reassigned to the Denver Regional

---

\*The HONORABLE WILLIAM BREVARD HAND, United States District Judge for the Southern District of Alabama, sitting by designation.

Office. Rather than report to Denver, Peterson took six months of sick leave and annual leave and retired early under SSA's Discontinued Service Retirement program. Peterson then commenced this constructive discharge action, alleging that SSA violated Title VII by discriminating against him on account of his gender and by retaliating against him for complaining about his supervisor's sex discrimination, and that SSA deprived him of due process by the manner in which it processed his administrative complaints.

The district court<sup>1</sup> granted summary judgment in favor of SSA, concluding that Peterson had failed to present a prima facie case of gender discrimination, had failed to allege an employment practice protected by Title VII for purposes of his retaliation claim, and had failed to allege or prove a liberty or property interest that would support his constitutional due process claim. Peterson appeals these rulings. After careful *de novo* review of the summary judgment record, we affirm for the reasons stated in the district court's March 31, 1999, Memorandum Opinion and Order. See 8th Cir. Rule 47B.

A true copy.

Attest:

CLERK, U. S. COURT OF APPEALS, EIGHTH CIRCUIT.

---

<sup>1</sup>The HONORABLE LAWRENCE L. PIERSOL, Chief Judge of the United States District Court for the District of South Dakota.