
No. 95-2615

Barbara Jean Seals, *
 *
 Appellant, *
 *
 v. * Appeal from the United States
 * District Court for the
 Division of Youth Services, * Eastern District of Missouri
 State of Missouri; Marci Barren, *
 Facility Manager, * [UNPUBLISHED]
 *
 Appellees. *

Submitted: April 5, 1996

Filed: July 9, 1996

Before McMILLIAN, WOLLMAN and HANSEN, Circuit Judges.

PER CURIAM.

Barbara Jean Seals appeals from the district court's¹ grant of summary judgment to the Division of Youth Services (DYS) in her ADEA action. For the reasons discussed below, we affirm the judgment of the district court.

Seals alleged DYS discriminated against her on the basis of age by terminating her employment as an aftercare youth counselor. DYS moved for summary judgment and provided evidence Seals was discharged for legitimate, non-discriminatory reasons: she failed to maintain periodic contact with the families assigned to her, she could not account for certain mileage on her state car, and she

¹The Honorable George F. Gunn, Jr., United States District Judge for the Eastern District of Missouri.

forged her supervisor's signature on several reports. The district court granted DYS summary judgment, concluding Seals had submitted no evidence indicating a genuine, material, factual dispute as to the reasons for her discharge.

This court reviews de novo the district court's grant of summary judgment to determine whether the record, when viewed in the light most favorable to the non-moving party, shows there is no genuine issue as to a material fact and the moving party is entitled to judgment as a matter of law. See Davenport v. Riverview Gardens School Dist., 30 F.3d 940, 944 (8th Cir. 1994). Assuming arguendo Seals established a prima facie case, her statements and submissions neither rebut defendants' evidence of her inadequate performance, nor offer evidence that DYS's articulated reasons for her termination--failing to maintain client contact, unaccounted for mileage on a state car, and forging supervisor signatures--were a pretext for intentional discrimination. See Hutson v. McDonnell Douglas Corp., 63 F.3d 771, 776-77 (8th Cir. 1995).

Accordingly, we affirm the judgment of the district court.

A true copy.

Attest:

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