NO. 25-_____

In the Supreme Court of the United States

CHARLES MILLER,

Petitioner,

v.

CHARLESTON AREA MEDICAL CENTER, INC.,

Respondent.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Fourth Circuit

PETITION FOR A WRIT OF CERTIORARI

Robert E. Barnes, Esq.
Counsel of Record
Lexis Anderson, Esq.
BARNES LAW LLP
700 South Flower Street, Suite 1000
Los Angeles, CA 90017
(310) 510-6211
robertbarnes@barneslawllp.com
lexisanderson@barneslawllp.com

April 6, 2026 *Counsel for Petitioner*

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QUESTION PRESENTED

Whether, under Title VII of the Civil Rights Act of 1964, an employer may satisfy its heightened burden, established by the Supreme Court's decision in *Groff v. DeJoy*, of demonstrating "undue hardship" and thereby denying a religious accommodation request without conducting any individualized assessment of the employee's specific circumstances or meaningfully exploring alternative accommodations, and based solely on a generalized, aggregate theoretical risk.

PARTIES TO THE PROCEEDINGS

Petitioner and Plaintiff-Appellant below

- Charles Miller

Respondent and Defendant-Appellee below

- Charleston Area Medical Center, Inc.

CORPORATE DISCLOSURE STATEMENT

There is no corporate petitioner.

LIST OF PROCEEDINGS

U.S. Court of Appeals for the Fourth Circuit

No. 24-2129

Charles Miller, Plaintiff-Appellant *v. Charleston Area Medical Center, Inc.*, Defendant-Appellee

Final Opinion: January 6, 2026

U.S. District Court, S.D. West Virginia

No. 2:23-cv-00340

Charles Miller, Plaintiff *v.*
Charleston Area Medical Center, Inc., Defendant

Final Order: October 17, 2024

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PETITION FOR A WRIT OF CERTIORARI

Charles Miller respectfully petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Fourth Circuit.

OPINIONS BELOW

The Order affirming dismissal of the United States Court of Appeals for the Fourth Circuit ("Court of Appeals" or "Fourth Circuit"), dated January 6, 2026, is included in the Appendix ("App.") at 1a-12a. The Opinion of the U.S. District Court, Southern District of West Virginia (the "District Court") granting summary judgment was entered on October 17, 2024 and is included at App.14a-25a. These opinions and orders were not designated for publications.

JURISDICTION

The Fourth Circuit Court of Appeals entered its Order on January 6, 2026. App.1a-12a. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

STATUTORY PROVISIONS INVOLVED

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2(a)(1)

> It shall be an unlawful employment practice for an employer—
>
> (1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin[.]

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e(j)

> The term "religion" includes all aspects of religious observance and practice, as well as belief, unless an employer demonstrates that he is unable to reasonably accommodate an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business.

STATEMENT OF THE CASE

This case presents a critical question regarding the scope of an employer's duty to accommodate religious beliefs under Title VII following this Court's landmark decision in *Groff v. DeJoy*, 600 U.S. 447 (2023). The Fourth Circuit, while purporting to apply *Groff*, created a "futility exception" that relieves an employer of its burden to consider specific accommodations if a court subjectively deems any search for them to be "painstakingly obvious[ly]" futile. This exception directly contravenes *Groff*'s mandate for a fact-specific, context-driven analysis and threatens to resurrect the very standard *Groff* sought to replace.

I. Proceedings in the District Court Below

Petitioner Charles Miller was a dedicated respiratory therapist at Charleston Area Medical Center ("CAMC") for nearly twenty-five years. App.2a. In this role, Mr. Miller provided critical care to patients with respiratory conditions, requiring direct contact with patients, families, and hospital staff. *Id.*

In August 2021, in response to a federal mandate from the Centers for Medicare & Medicaid Services ("CMS"), CAMC required its employees to receive a COVID-19 vaccine. App.3a. Critically, the CMS mandate expressly preserved and required compliance with all other applicable federal laws, including Title VII's religious accommodation requirements. App.3a. CAMC's policy allowed for both medical and religious exemptions. *Id.*

In September 2021, Mr. Miller submitted a timely request for a religious exemption, stating that his sincerely held religious beliefs prevented him from taking a vaccine developed using fetal cell lines, which he believed made him "complicit in an action that offends my religious faith." App.3a. He further stated that "any coerced medical treatment goes against my religious faith and the right of conscience to control one's own medical treatment, free of coercion or force." *Id.*

Rather than engage in the good-faith, interactive process that Title VII contemplates, CAMC sat on Mr. Miller's exemption request for several months without any response, discussion, or request for additional information—despite the fact that Mr. Miller testified he would have provided additional specifics about his religious tenets had CAMC simply asked. App.4a. In February 2022, CAMC denied Mr. Miller's exemption request using a form denial letter that it sent to all employees who had requested religious accommodations —a letter containing no individualized analysis whatsoever. *Id.* When Mr. Miller submitted a second exemption request on February 23, 2022—again articulating his sincere religious objections to mRNA gene therapy vaccines—CAMC denied it the same day and terminated his thirty-five-year career the very next morning. *Id.*

It bears emphasis that during the entire period from March 2020 through February 24, 2022—nearly two years during the height of the COVID-19 pandemic —Mr. Miller worked safely as an unvaccinated respiratory therapist, taking appropriate precautions and causing no documented harm to any patient or coworker. CAMC has never identified a single instance in which Mr. Miller's unvaccinated status caused any adverse health outcome, any patient complaint, any loss of

business confidence, or any operational disruption. This critical fact was before the district court and was simply ignored.

Notably, CAMC granted twenty-seven (27) religious and medical exemptions to its vaccine mandate. It provided no principled basis for why Mr. Miller—who had worked safely throughout the pandemic without a vaccine—could not receive the same treatment.

Mr. Miller filed suit in the U.S. District Court for the Southern District of West Virginia, alleging religious discrimination under Title VII and the West Virginia Human Rights Act. Following discovery, CAMC moved for summary judgment, asserting two arguments: (1) that Mr. Miller's religious beliefs were not sincere; and (2) that accommodating him would impose an undue hardship. The district court declined to reach the sincerity issue, finding it a "delicate task," and instead granted summary judgment solely on CAMC's undue hardship argument—accepting CAMC's conclusory assertions at face value despite the absence of a single citation to the factual record in CAMC's less than three pages of argument on undue hardship.

II. Proceedings in the Court of Appeals Below

On November 12, 2024, Petitioner filed a timely notice of appeal, seeking review by the Fourth Circuit Court of Appeals (the "Fourth Circuit") of the District Court's Order granting summary judgment. In his opening brief, Petitioner argued that the District Court erred in granting summary judgment on the undue hardship defense, contending that CAMC failed to present the individualized, evidence-based showing required by *Groff*.

The court of appeals acknowledged this Court's decision in *Groff*, which requires an employer to show that granting an accommodation "would result in substantial increased costs in relation to the conduct of its particular business." *Id.* at 7 (quoting *Groff*, 600 U.S. at 470). The court held that the non-economic cost of an increased risk of COVID-19 transmission was alone sufficient to demonstrate undue hardship. *Id.* at 9.

Critically, the court recognized that the record contained "scant evidence" that CAMC had engaged in the fact-specific inquiry required by *Groff*. App.10a. Specifically, there was no evidence that CAMC had "spent the kind of time brainstorming potential accommodations that the hospital system in *Hall* [*v. Sheppard Pratt Health System, Inc.*, 155 F.4th 747 (4th Cir. 2025)] did." App.11a.

Instead of remanding for such an inquiry, the Fourth Circuit created a new legal exception to excuse the absence of evidence. It held that an employer's "search for alternative accommodations" is not required where it would be "futile." App.11a. The court reasoned that because Mr. Miller was a respiratory therapist who worked with vulnerable patients, it was "painstakingly obvious" that no alternative arrangement—such as masking, regular testing, or reassignment—could have been made. App.11a, 24a. Citing out-of-circuit decisions that pre-date or do not grapple with *Groff*'s core holding, the court created and applied a "narrow futility exception" to Title VII's accommodation requirement, holding that the circumstances here rendered any search for accommodations "truly futile." App.11a, 12a.

On January 28, 2026, the Fourth Circuit issued a mandate in the matter (the "Mandate"). This petition followed.

REASONS FOR GRANTING THE PETITION

The Fourth Circuit's decision creates a dangerous end-run around *Groff v. DeJoy*. In *Groff*, this Court unanimously rejected the toothless "more than a *de minimis* cost" standard for undue hardship and instructed lower courts to conduct a searching, fact-specific analysis of whether a proposed accommodation imposes "substantial increased costs" on the employer's business. 600 U.S. at 470. This inquiry requires consideration of "particular accommodations at issue and their practical impact." *Id.*

The Fourth Circuit's newly minted "futility exception" flouts this command. It permits an employer to forgo its duty to explore accommodations and allows a court to find undue hardship based on judicial assumptions rather than record evidence. This holding not only conflicts with *Groff* but also creates a circuit split on the proper application of the undue hardship standard in its wake. Furthermore, by accepting a generalized risk of harm as sufficient to establish undue hardship, the Fourth Circuit has effectively lowered the bar back toward the *de minimis* standard this Court just abrogated. This Court's review is necessary to correct the Fourth Circuit's misapplication of *Groff* and to ensure uniform protection of religious liberty under Title VII.

I. The Fourth Circuit's "Futility Exception" Conflicts with *Groff*'s Mandate for a Fact-Specific Inquiry

This Court's decision in *Groff* was unequivocal: the undue hardship analysis is a case-specific endeavor. It "must take into account all relevant factors in the case at hand, including the particular accommodations at issue and their practical impact in light of the nature, size and operating cost of an employer." 600 U.S. at 470 (cleaned up). An employer cannot establish undue hardship through "conjecture" or by pointing to hypothetical burdens. The focus must be on what the employer has actually shown regarding the costs of specific, potential accommodations.

The Fourth Circuit's "futility exception" is a direct assault on this core principle. The court conceded that there was "scant evidence" that CAMC considered any accommodations for Mr. Miller. App.10a. Yet, instead of holding CAMC to its evidentiary burden, the court invented a shortcut. It declared that a search for accommodations would have been "futile" because it was "painstakingly obvious" that no alternative would work for a respiratory therapist during the COVID-19 pandemic. App.11a, 24a. This is precisely the kind of generalized, assumption-based reasoning that *Groff* forbids.

Consider what was missing from the record: there was no evidence that CAMC evaluated whether Mr. Miller could perform his duties while wearing enhanced PPE—a protocol CAMC was presumably already employing for other infection-control purposes. There was no evidence that CAMC considered a regular rapid-testing regimen for Mr. Miller as a condition of continued employment. There was no evidence that

CAMC investigated whether any non-patient-facing positions existed within its nearly 8,000-employee organization that could utilize Mr. Miller's thirty-five years of respiratory therapy expertise. And there was no evidence that CAMC ever engaged Mr. Miller in any conversation about what accommodations might be workable—despite its statutory obligation to do so.

In fact, in *Hall v. Sheppard Pratt Health System, Inc.*, 155 F.4th 747 (4th Cir. 2025), the court praised a medical employer for "brainstorming potential accommodations" through genuine engagement with its employees. The irony is inescapable: in *Hall*, a comparable healthcare employer did what CAMC did not, and the Fourth Circuit held it up as the model. Yet for CAMC's complete failure to even attempt that process, the Fourth Circuit invented an exception to excuse the omission.

This Court's decision in *Groff* also made clear that Title VII "requires that an employer reasonably accommodate an employee's practice of religion, not merely that it assess the reasonableness of a particular possible accommodation or accommodations." 600 U.S. at 472. *Groff* further held that if the requested accommodation poses an undue hardship, "the employer must *sua sponte* consider other possible accommodations." *Id.* at 472–73. The Fourth Circuit's "futility exception" directly contravenes this mandate: it allows an employer that has considered no accommodations to prevail so long as a court can be persuaded—based on the nature of the job alone—that no accommodation would have been possible.

The logical consequences of the Fourth Circuit's rule are sweeping and troubling. Under this new exception, any employee in a public-facing healthcare,

emergency services, or educational role could be denied religious accommodation without any individualized assessment of potential mitigating measures. The exception effectively creates a category of jobs for which religious accommodation is presumptively unavailable —a categorical exclusion that finds no support in Title VII's text, this Court's precedents, or *Groff*'s express instruction.

By allowing courts to bypass the required evidentiary showing based on the nature of an employee's job, the Fourth Circuit's rule invites the very prejudice and stereotyping that Title VII is meant to prevent. Under this new exception, any healthcare worker, first responder, or other employee in a public-facing role could be denied religious accommodation without any individualized assessment of potential mitigating measures. The "futility exception" effectively creates a category of jobs for which religious accommodation is presumptively unavailable, a result that cannot be squared with Title VII's text or this Court's instruction in *Groff*.

II. The Appellant's Own Track Record Demonstrates the Feasibility of Accommodation

Perhaps the most powerful refutation of the Fourth Circuit's "futility" determination is the evidentiary record that the court chose to ignore. Mr. Miller worked as an unvaccinated respiratory therapist at CAMC for nearly two years, from March 2020 through February 24, 2022, through the most acute phases of the COVID-19 pandemic. During that entire period, CAMC has identified no adverse health outcomes, no patient infections attributable to Mr. Miller, no

complaints, and no operational disruptions stemming from his unvaccinated status.

This is not a theoretical argument. It is an empirical fact documented in the record: accommodation was not merely theoretically possible—it was actually practiced for nearly two years. The Fourth Circuit's conclusion that accommodation was "painstakingly obviously futile" cannot be squared with the reality that it demonstrably was not futile. Summary judgment cannot rest on an assumption that the record affirmatively contradicts.

Furthermore, CAMC itself granted twenty-seven exemptions to its vaccine mandate. It has never explained why Mr. Miller's situation was categorically different from those twenty-seven employees who were accommodated. The presence of actual accommodations granted to similarly situated employees is precisely the kind of "relevant factor in the case at hand" that *Groff* requires courts to consider.

III. The Decision Creates a Circuit Split on the Post-*Groff* Undue Hardship Analysis

The Fourth Circuit's creation of a "futility exception" places it at odds with other circuits that have faithfully applied *Groff*'s rigorous, evidence-based standard. While the post-*Groff* landscape is still developing, the Fourth Circuit's approach represents a stark departure that will lead to inconsistent application of federal law.

The Fourth Circuit justified its novel exception by citing two out-of-circuit cases. App.11a-12a (citing *Smith v. City of Atl. City*, 138 F.4th 759 (3d Cir. 2025), and *Bordeaux v. Lions Gate Ent., Inc.*, No. 23-4340, 2025 WL 655065 (9th Cir. Feb. 28, 2025)). Neither

case supports the broad, evidence-free exception created here.

The Third Circuit's *Smith* decision did not establish a categorical "futility" rule; it conducted a fact-specific inquiry into whether specific, identified accommodations would work. The Ninth Circuit's unpublished decision in *Bordeaux* similarly found an alternative accommodation "infeasible" based on specific facts in the record, not on a broad categorical assumption about job category.

In contrast to the Fourth Circuit's approach, other courts have understood *Groff* to require a robust, evidence-based assessment. In *Adeyeye v. Heartland Sweeteners, LLC*, 721 F.3d 444 (7th Cir. 2013)—a case cited approvingly by this Court in *Groff* itself—the Seventh Circuit held that an employer "bears the burden of proof, so it must show, as a matter of law, that any and all accommodations would have imposed an undue hardship." *Id.* at 455 (emphasis added). The Fourth Circuit's holding that a court may presume the futility of all accommodations based on job category alone is irreconcilable with this standard.

The Fourth Circuit's approach also conflicts with *Groff*'s explicit instruction that the analysis must be tailored to "the nature, size, and operating cost of an employer." 600 U.S. at 470. As a large medical center with nearly 8,000 employees, CAMC was subject to this heavier burden—a burden the Fourth Circuit's "futility exception" eliminated entirely without factual justification.

The decision below invites employers to do nothing, to make no effort to explore accommodations, and then defend their inaction in court by arguing that any

effort would have been futile. This creates a circuit split between courts that properly place the burden of proof on the employer to show it actually considered accommodations and found them to impose substantial costs, and the Fourth Circuit, which now allows an employer to prevail by convincing a court that such consideration was unnecessary.

This Court's intervention is needed to resolve this emerging conflict and ensure that *Groff* provides a uniform standard across the nation. Allowing the Fourth Circuit's "futility exception" to stand would undermine *Groff*'s purpose and create a patchwork of religious protection dependent on geography.

IV. The Fourth Circuit Erred by Finding Undue Hardship Based on Speculative, Non-Economic Costs

First, *Groff* requires "substantial increased costs in relation to the conduct of its particular business." 600 U.S. at 470 (emphasis added). The Court was explicit that this is a demanding standard, requiring something "more akin to substantial additional costs or substantial expenditures." *Id*. at 472. A bare assertion of increased risk, unquantified and unsupported by any evidence linking that risk to specific costs, does not meet this standard.

Second, while *Groff* did not categorically exclude non-economic costs from the undue hardship calculus, it did not hold that any asserted risk, no matter how speculative, satisfies the "substantial increased costs" standard. CAMC produced no evidence quantifying the incremental risk posed by a single unvaccinated employee who could have been subject to enhanced PPE protocols and regular testing. It produced no

evidence that such measures were ineffective, unavailable, or prohibitively expensive. It never commissioned a risk assessment or offered expert testimony on the subject. It simply asserted a risk and moved for summary judgment.

Third, the "risk" that CAMC asserted was not specific to Mr. Miller. It was a generalized risk that CAMC was already managing every day from other sources: vaccinated-but-infectious employees, patients, and visitors. Without specific evidence distinguishing the marginal costs of accommodating Mr. Miller from CAMC's ordinary operational costs of infection control, the finding of undue hardship rests on nothing more substantial than the *de minimis* standard that *Groff* rejected.

Fourth, *Groff* expressly stated that impacts on coworkers is off the table for consideration unless such impacts place a substantial strain on the employer's business. 600 U.S. at 471. The court further cautioned that even where a coworker impact does place a substantial strain, it "cannot be considered undue if it is attributable to religious bias or animosity." *Id*. The Fourth Circuit's analysis elided these critical limitations, treating any risk to coworkers as per se sufficient—an approach that finds no support in *Groff*.

If a generalized, unquantified safety risk suffices to establish undue hardship in healthcare or public-facing employment contexts, employers in those industries will have a ready-made, unfalsifiable basis to deny any religious accommodation that deviates from their preferred uniform policies. That rule would render Title VII's protections hollow for vast categories of American workers—precisely the result this Court's decision in *Groff* was meant to prevent.

V. CAMC's Failure to Engage in Any Interactive Accommodation Process Independently Precludes Summary Judgment Under *Groff*

An underappreciated dimension of this case—one the courts below failed to address—is the threshold question of CAMC's process, or rather its absence. This Court's decision in *Groff* makes clear that an employer must do more than assess whether a requested accommodation is feasible; it must proactively "consider other possible accommodations" if the requested one poses a hardship. 600 U.S. at 472. That requirement is not merely procedural. It reflects Title VII's command that employers make a genuine effort to accommodate religious employees before invoking the undue hardship defense.

CAMC's conduct in this case fell well short of this standard. The undisputed record shows that CAMC: (1) received Mr. Miller's first exemption request in September 2021 and took no action for five months–no response, no dialogue, and no request for additional information; (2) issued a form denial letter identical to those sent to other employees who sought a religious accommodation; (3) never engaged Mr. Miller in discussion of the specific nature of his religious beliefs, the specific nature of his job duties, or what alternative measures might make accommodation feasible; and (4) summarily denied his second request on the same day it was submitted. This is not a record of an employer that "demonstrated" the impossibility of accommodation. It is a record of an employer that never tried.

Critically, Mr. Miller testified that he would have provided additional specifics about his religious tenets and his objections to the COVID-19 vaccine had CAMC simply requested that information. CAMC never did.

An employer that refuses to engage in the interactive process, then argues it cannot be held liable because accommodation was impossible, is attempting to benefit from its own failure to comply with Title VII's requirements. *Groff* forecloses that result.

Respondent will likely argue that, as a federally regulated healthcare facility, CAMC had no choice but to enforce its vaccine mandate universally. But this argument proves too much. The CMS mandate that CAMC invokes did not override Title VII—federal agencies cannot waive the requirements of federal statutes. The CMS mandate itself acknowledged the obligation to accommodate sincere religious objections consistent with applicable law. An employer cannot hide behind a federal regulation to evade a federal statute, particularly when both the regulation and the statute recognize the same accommodation obligation.

Respondent will also likely argue that the risk of COVID-19 transmission in a healthcare environment is self-evidently severe, and that no court should be required to demand specific evidence of a risk that is "common knowledge." But this argument misunderstands *Groff*'s standard. The question is not whether COVID-19 is dangerous in the abstract—of course it is. The question is whether accommodating this specific employee, with all available mitigation measures in place, would impose "substantial increased costs" on this specific employer's business. That is a factual question that requires factual evidence, to which CAMC produced none.

CONCLUSION

For the reasons set forth above, Petitioner respectfully urges this Court to grant this petition for a writ of certiorari, vacate the judgment of the Fourth Circuit, and remand for further proceedings consistent with *Groff v. DeJoy*. At minimum, this Court should grant, vacate, and remand so that the Fourth Circuit may apply *Groff*'s evidence-based standard in the first instance—requiring CAMC to demonstrate, with specific record evidence, that accommodating Mr. Miller's sincere religious beliefs would have imposed substantial increased costs on the conduct of its particular business.

The questions presented here go to the heart of religious liberty in the American workplace. Millions of workers in healthcare, education, and public-facing industries deserve the full protection that Title VII and *Groff* promised them.

Respectfully submitted,

/s/ Robert E. Barnes
Robert E. Barnes, Esq.
Counsel of Record
Lexis Anderson, Esq.
BARNES LAW LLP
700 South Flower Street, Suite 1000
Los Angeles, CA 90017
(310) 510-6211
robertbarnes@barneslawllp.com
lexisanderson@barneslawllp.com
Counsel for Petitioner

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