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[Discrimination](#)

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U.S. Supreme Court Eliminates Heightened Standard for Reverse Discrimination Claims

On June 5, 2025, the U.S. Supreme Court issued a unanimous decision that placed reverse discrimination claims on the same footing with traditional discrimination claims under federal law. *Ames v. Ohio Department of Public Safety* (2025). The plaintiff, a heterosexual woman, claimed her employer denied her a promotion based on her sexual orientation. The Sixth Circuit dismissed her claims, finding she had failed to identify "background circumstances" demonstrating that the Ohio Department of Public Safety was the "unusual employer" that discriminates against members of a minority group.

The Supreme Court rejected the "background circumstances" test, which had been used by some courts to impose a heightened burden of proof on majority-group members. ***Now, federal judges and agencies can no longer assume that his or her group is likely to be subject to discrimination in the workplace.*** Justice Ketanji Brown Jackson's opinion for the Court states that the Equal Employment Opportunity Act's protections for every "individual"—without regard to that individual's membership in a majority or minority group—left no room for courts to impose special requirements on majority-group plaintiffs.

Moving forward, we expect that the *Ames* decision will result in more federal discrimination claims being filed by majority-group members. The ruling also aligns with the Trump administration's anti-diversity, equity, and inclusion efforts. Following the *Ames* decision, the Equal Employment Opportunity Commission and Department of Justice advised federal employees who believe they may be experiencing discrimination related to DEI programs that the federal government's anti-discrimination law "applies equally to all racial, ethnic, and national origin groups, as well as both sexes." The EEOC also stated that the law "is intended to provide a benefit to historically disadvantaged groups. We recommend that federal agencies consider how to maintain these programs in compliance with federal law."

Finally, the ruling in *Ames* does not necessarily apply to claims of discrimination filed in state courts, where most plaintiffs in the state file their employment-related claims, and where a higher standard of proof to establish a *prima facie* reverse discrimination claim. See *Burns v. Board of Directors of the City of New York* (1999). However, state courts (including New Jersey's) frequently defer to the U.S. Supreme Court's approach when evaluating their own anti-discrimination statutes. Therefore, it is possible that some state courts will move toward the Supreme Court's approach in *Ames*.

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