

Fired Homosexual Teacher Could Open Floodgate of Discrimination Lawsuits

A Catholic teacher's claim that he was fired after marrying his gay partner soon after same-sex marriage was made legal in California has prompted a Web-based push to see him reinstated.

The petition drive in support of English instructor Ken Bencomo on the website of social advocacy group has gathered over 9,000 signatures from his former students and people as far away as Spain since it was launched earlier this week.

The high school teacher and his partner were among a wave of same-sex couples who married after a U.S. Supreme Court ruling in June cleared the way for gay weddings to resume in California for the first time since 2008.

If Bencomo sues, his attorney Patrick McGarrigle sees it as a potential test case of legal protections some religious institutions claim to have in hiring and firing based on principles of faith.

Bencomo taught at the all-girls St. Lucy's Priory High School in the Los Angeles suburb of Glendora for over 16 years, but was terminated in July, a little more than a week after marrying his longtime partner, McGarrigle said.

Brittany Littleton, 23, a former student at St. Lucy's, is leading the online petition, which asks administrators to "reverse this act of prejudice" against her former teacher and "give him his job back."

A Beverly Hills resident and yoga instructor, Littleton said her drive is not meant to tear down St. Lucy's, which she

described as pushing students to be “forward thinking.”

“It’s as much a fight for the school as it is for Mr. Bencomo, but we want them to know we do not stand by this decision and are horrified by it,” Littleton said.

Raised Catholic, Bencomo, 45, chaired the school’s English department, helped with the yearbook and served as a dance coach, McGarrigle said. School administrators were aware he was in a same-sex relationship, the attorney said.

But just over a week after his July 1 wedding was written up in the Inland Valley Daily Bulletin, an administrator told Bencomo he was being let go because his marriage was “in public and violated the church’s teaching,” McGarrigle said.

Sister Helen Dziuk, an assistant principal at St. Lucy’s, told Reuters the institution wished to “protect the privacy of everyone involved.”

“The school cannot comment on any of these matters. These are private values and matters and may involve litigation, so we can’t comment,” she said.

The Archdiocese of Los Angeles declined to comment on the grounds that the school is privately run and not under its jurisdiction.

Pope Francis, who was elected in March, this week told reporters on a flight from Brazil that gays should be integrated into society, but homosexual acts are a sin.

McGarrigle said his client wishes to settle out of court, but could file a lawsuit. He said such a case, based in part on the fact that Bencomo’s homosexuality had been tolerated at school, may become a legal test of what protections religious institutions have in firing an employee for a same-sex marriage.

Thirteen U.S. states now allow same-sex unions, with Minnesota

and Rhode Island joining that group on Thursday.

“Clearly he (Bencomo) was terminated because he engaged in a lawful act that the school now believes—or at least asserts—was one step too far,” McGarrigle said.

Karl Manheim, a Loyola Law School professor, said a 2012 U.S. Supreme Court ruling found that religious institutions cannot exempt lay employees from workplace protections.

“To the extent that the church is involved in ordinary business operations, and running a school typically is, they’re going to be subject to state and federal statutes,” he said.

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