

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 96-2824

LEMUEL H. COX,

Plaintiff - Appellant,

versus

GUILFORD COUNTY BOARD OF EDUCATION,

Defendant - Appellee,

and

JOHN WRIGHT, as an agent of Guilford County
Schools,

Defendant.

Appeal from the United States District Court for the Middle Dis-
trict of North Carolina, at Greensboro. Frank W. Bullock, Jr.,
Chief District Judge. (CA-95-678-2)

Argued: June 6, 1997

Decided: July 1, 1997

Before WILKINSON, Chief Judge, MICHAEL, Circuit Judge, and MICHAEL,
Senior United States District Judge for the Western District of
Virginia, sitting by designation.

Affirmed by unpublished per curiam opinion.

ARGUED: Angela Newell Gray, GRAY, NEWELL & JOHNSON, L.L.P., Greensboro, North Carolina, for Appellant. Patricia Ellen Dowds, WOMBLE, CARLYLE, SANDRIDGE & RICE, Charlotte, North Carolina, for Appellee.

ON BRIEF: Jim D. Cooley, WOMBLE, CARLYLE, SANDRIDGE & RICE, Charlotte, North Carolina; Jill R. Wilson, BROOKS, PIERCE, MCLENDON, HUMPHREY & LEONARD, L.L.P., Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

In 1993, by mandate of the General Assembly of North Carolina, three public school systems -- the Guilford County Schools, the Greensboro City Schools, and the High Point City Schools -- were merged into one administrative unit, called the Guilford County Schools. The merger required a reduction in the administrative staff. At the time of the merger plaintiff-appellant Lemuel H. Cox, age fifty-eight, was curriculum specialist in health and physical education for the Greensboro City Schools. He applied for that same administrative job in the newly merged system, but it was awarded (on the recommendation of a selection committee) to a thirty-one-year-old woman. Cox was reassigned to a position teaching physical education, and he resigned after about a year. Cox then sued the Guilford County Board of Education, alleging that he was rejected for the curriculum specialist's position in the merged system because of his age in violation of the Age Discrimination in Employment Act, 29 U.S.C. § 621 et seq., and that he was constructively discharged in violation of North Carolina General Statute § 143-422.2. The district court granted summary judgment to the Board on both claims, and Cox appeals. After reviewing the joint appendix and considering the briefs and arguments of counsel, we affirm on the thorough and well-reasoned opinion of the district court. See Cox v. Guilford County Bd. of Educ., No. 2:95CV678 (M.D.N.C. Dec. 10, 1996).

AFFIRMED