

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority. Citation is disfavored, but may be permitted in accordance with the provisions of Rule 30(e)(3) of the North Carolina Rules of Appellate Procedure.

NO. COA10-170

NORTH CAROLINA COURT OF APPEALS

Filed: 7 December 2010

JESSE McQUEEN,
Plaintiff

v.

Richmond County
No. 09 CVS 664

CITY OF HAMLET, ROBERT
BRISTOW, individually and
MARCHELL DAVID, individually,
and as City Manager,
Defendants.

Appeal by Plaintiff from judgment entered 31 October 2009 by Judge B. Craig Ellis in Richmond County Superior Court. Heard in the Court of Appeals 9 June 2010.

Robbins May & Rich LLP, by P. Wayne Robbins, for Plaintiff-Appellant.

Jackson Lewis LLP, by Patricia L. Holland, and Allison E. Serafin, for Defendant-Appellees.

ERVIN, Judge.

Plaintiff Jesse McQueen appeals from an order dismissing his claims against Defendants City of Hamlet; Robert Bristow, individually; and Marchell David, individually and as Hamlet's City Manager, for failure to state a claim for which relief can be granted. After careful consideration of Plaintiff's arguments in light of the record and the applicable law, we conclude that the trial court's order should be affirmed.

I. Factual Background

In 2004, while employed as a Hamlet police officer, Plaintiff issued a citation to the mayor for violating an unspecified statute or ordinance relating to the transportation of alcohol in an open container. Subsequently, Plaintiff become embroiled in several other incidents relating to his work as a police officer. On one occasion, Plaintiff "discovered" that a fellow police officer had provided an alcoholic drink to a minor and urged that officer to report his conduct to the Chief of Police, Robert Bristow. As a result, Plaintiff "received a written reprimand for, among other things, engaging in an unauthorized investigation of a fellow officer." In addition, Plaintiff unsuccessfully intervened on behalf of a 911 dispatcher by asking Chief Bristow to approve a requested schedule change. At a later date, the Hamlet Police Department had an opening for a Captain's position. Chief Bristow invited two officers, neither of whom was Plaintiff, to apply for this position. Plaintiff unsuccessfully attempted to persuade the Chief and the City Manager that all officers should be permitted to apply. On another occasion, Plaintiff escorted several juveniles to the police station and had their parents pick them up. Plaintiff was "criticized" for the manner in which he handled this situation and received another written reprimand on 29 September 2004 for "failing to follow certain Departmental policies" stemming from this incident. After these events, Plaintiff was demoted from the rank of Sergeant to Patrolman, with a concomitant reduction in

salary of about \$10,000 a year. Plaintiff subsequently resigned from his employment with the Hamlet Police Department.

A. Procedural History

On 19 October 2006, Plaintiff filed a complaint against Defendants seeking to recover damages for constructive discharge. On 2 June 2008, Plaintiff voluntarily dismissed his claims against Defendants without prejudice. On 1 June 2009, Plaintiff filed a complaint against Defendants in which he alleged that he was wrongfully terminated and "constructively discharged" by the City. On 22 September 2009, Defendants filed an answer in which they sought dismissal of Plaintiff's complaint for failure to state a claim for which relief can be granted pursuant to N.C. Gen. Stat. § 1A-1, Rule 12(b)(6), denied the material allegations of Plaintiff's complaint, and asserted various affirmative defenses. On 31 October 2009, the trial court entered an order dismissing Plaintiff's complaint with prejudice. Plaintiff noted an appeal to this Court from the trial court's order.

II. Legal Analysis

A. Standard of Review

The standard of review utilized in reviewing orders granting dismissal motions filed pursuant to N.C. Gen. Stat. § 1A-1, Rule 12(b)(6) is well-established.

The essential question in reviewing the grant of a motion to dismiss pursuant to . . . Rule 12(b)(6) is whether, 'as a matter of law, the allegations of the complaint, treated as true, are sufficient to state a claim upon which relief can be granted under some legal theory.'

Considine v. Compass Grp. USA, Inc., 145 N.C. App. 314, 316-17, 551 S.E.2d 179, 181 (quoting *Lynn v. Overlook Development*, 328 N.C. 689, 692, 403 S.E.2d 469, 471 (1991)), *aff'd*, 354 N.C. 568, 557 S.E.2d 528 (2001). "A Rule 12(b)(6) motion should be granted only if the pleading at issue 'fails to allege a sufficient legal or factual basis for the claim, or reveals a fact that necessarily defeats the claim.'" *Deerman v. Beverly California Corp.*, 135 N.C. App. 1, 4, 518 S.E.2d 804, 806 (1999) (quoting *Wilmoth v. State Farm Mut. Auto. Ins. Co.*, 127 N.C. App. 260, 261, 488 S.E.2d 628, 630, *disc. review denied*, 347 N.C. 410, 494 S.E.2d 601 (1997)), *disc. rev. denied*, 351 N.C. 353, 542 S.E.2d 208 (2000). As a result, we will review the allegations asserted in Plaintiff's complaint in order to determine whether they suffice, if believed, to establish a valid claim for relief under North Carolina law.

B. Analysis of Plaintiff's Claims

1. Wrongful Discharge

In North Carolina, the employer-employee relationship is governed by the at-will employment doctrine, which states that 'in the absence of a contractual agreement between an employer and an employee establishing a definite term of employment, the relationship is presumed to be terminable at the will of either party without regard to the quality of performance of either party.' However, our Supreme Court has recognized a cause of action for wrongful discharge in violation of the public policy of North Carolina.

Whitings v. Wolfson Casing Corp., 173 N.C. App. 218, 221, 618 S.E.2d 750, 752-3 (2005) (quoting *Kurtzman v. Applied Analytical Industries, Inc.*, 347 N.C. 329, 331, 493 S.E.2d 420, 422 (1997), and citing *Coman v. Thomas Manufacturing Co.*, 325 N.C. 172, 175,

381 S.E.2d 445, 447 (1989), *disc. rev. denied*, 331 N.C. 284, 417 S.E.2d 249 (1992)). In *Coman*, the Supreme Court held that:

[W]hile there may be a right to terminate a contract at will for no reason, or for an arbitrary or irrational reason, there can be no right to terminate such a contract for an unlawful reason or purpose that contravenes public policy. A different interpretation would encourage and sanction lawlessness, which law by its very nature is designed to discourage and prevent.

Coman, 325 N.C. at 175, 381 S.E.2d at 447 (quoting *Sides v. Duke University*, 74 N.C. App. 331, 342, 328 S.E.2d 818, 826, *disc. review denied*, 314 N.C. 331, 335 S.E.2d 13 (1985), *disapproved on other grounds in Kurtzman*, 347 N.C. at 333, 493 S.E.2d at 423). The Court later discussed the purpose underlying the creation of this exception to the at-will employment doctrine as follows:

The underlying rationale was the recognition that the judicially created employment-at-will doctrine had its limits and it was the role of this Court to define those limits. . . . It is a judicially recognized outer limit to a judicially created doctrine, designed to vindicate the rights of employees fired for reasons offensive to the public policy of this State.

Amos v. Oakdale Knitting Co., 331 N.C. 348, 355-56, 416 S.E.2d 166, 171 (1992) (citing *Coman*, at 177, ftn.3, 381 S.E.2d at 448, ftn.3). Thus, wrongful termination in violation of public policy is an established claim for relief under North Carolina law.

2. Constructive Discharge

The briefs submitted for our consideration contain a detailed discussion of the extent to which North Carolina recognizes a claim for wrongful termination based on a constructive, rather than an

actual, discharge. On the one hand, Plaintiff, in reliance on decisions such as *Coman* and *Garner v. Rentenbach Constructors, Inc.*, 350 N.C. 567, 570, 515 S.E.2d 438, 440 (1999) (stating that, in *Coman*, the Court held "that the plaintiff stated a cause of action for wrongful" termination on the basis of facts "which amounted to a constructive discharge"), argues that the Supreme Court has recognized the validity of such wrongful termination claims. On the other hand, Defendants argue, in reliance on cases such as *Gravitte v. Mitsubishi Semiconductor America*, 109 N.C. App. 466, 472, 428 S.E.2d 254, 258, *disc. review denied*, 334 N.C. 163, 432 S.E.2d 360 (1993) (stating that, "[i]f plaintiff voluntarily resigned from defendant's employ, [he] cannot bring a claim for wrongful discharge"), that this jurisdiction has expressly declined to recognize the efficacy of constructive discharge to support a wrongful termination claim. Despite the vigor with which the parties have debated this issue, we need not address it since Plaintiff's complaint fails, for the reasons set out below, to allege a violation of North Carolina public policy sufficient to support a viable wrongful termination claim. Thus, we will proceed directly to an analysis of the sufficiency of Plaintiff's efforts to plead that his "discharge" contravened North Carolina public policy.

3. Adequacy of Plaintiff's Wrongful Termination Allegations

"To prevail on a claim for unlawful termination in violation of public policy 'a plaintiff must identify a specified North Carolina public policy that was violated by an employer in

discharging the employee.'" *McDonnell v. Tradewind Airlines, Inc.*, 194 N.C. App. 674, 678, 670 S.E.2d 302, 305 (quoting *Salter v. E & J Healthcare, Inc.*, 155 N.C. App. 685, 694, 575 S.E.2d 46, 52, *disc. review denied*, 363 N.C. 128, 675 S.E.2d 657 (2009)). "While there is no specific list that enumerates what actions fall within this exception, 'wrongful discharge claims have been recognized in North Carolina where the employee was discharged (1) for refusing to violate the law at the employer's request, (2) for engaging in a legally protected activity, or (3) based on some activity by the employer contrary to law or public policy.'" *Combs v. City Elec. Supply Co.*, ___ N.C. App. ___, ___, 690 S.E.2d 719, 723 (2010) (quoting *Ridenhour v. IBM Corp.*, 132 N.C. App. 563, 568-69, 512 S.E.2d 774, 778, *disc. review denied*, 350 N.C. 595, 537 S.E.2d 481 (1999)). This Court has also held that a complaint stated a claim for wrongful discharge based on allegations that the plaintiff was "terminated for meeting the minimum requirements of [a profession] as established and mandated by [relevant statutes and regulations]" after she recommended, in accordance with her "teaching and counseling" obligations as a licensed registered nurse, that a patient's family consider changing physicians in light of her concerns about the treatment approach employed by the patient's current physician. *Deerman*, 135 N.C. App. at 11, 12, 518 S.E.2d at 810.

A complaint for wrongful discharge must allege a violation of a specific public policy. "Under certain circumstances, notice pleading is not sufficient to withstand a motion to dismiss;

instead a claim must be pled with specificity. . . . One such circumstance is when an at-will employee brings a wrongful termination claim upon the theory of a violation of public policy." *Gillis v. Montgomery County Sheriff's Dep't*, 191 N.C. App. 377, 379, 479, 663 S.E.2d 447, 449 (citing *Considine* at 314, 551 S.E.2d at 179), *disc. review denied*, 362 N.C. 508, 668 S.E.2d 26 (2008). In *Considine*, we stated that:

The discharge of an employee at will generally does not support an action for wrongful discharge in this state. . . . [Exceptions] have been recognized by our appellate courts, including a prohibition against termination for a purpose in contravention of public policy. . . . Under the [public policy] exception, the employee has the burden of pleading and proving that the employee's dismissal occurred for a reason that violates public policy.

Considine, 145 N.C. App. at 317, 551 S.E.2d at 181. After reviewing the plaintiff's complaint, this Court held that:

. . . [Plaintiff] failed to identify any specified North Carolina public policy that was violated by defendant in discharging plaintiff. The complaint does not allege that defendant's conduct violated any explicit statutory or constitutional provision, nor does it allege defendant encouraged plaintiff to violate any law that might result in potential harm to the public. . . . [Plaintiff] fails to allege [how] defendant's alleged conduct . . . is in violation of North Carolina public policy. . . . In light of the case law that cites specific conduct by a defendant that violated a specific expression of North Carolina public policy, we hold that plaintiff's complaint does not state a claim for wrongful discharge. The trial court did not err in dismissing plaintiff's complaint pursuant to Rule 12(b)(6).

Considine, at 321-22, 551 S.E.2d at 184 (citing *Teleflex Info. Sys., Inc. v. Arnold*, 132 N.C. App. 689, 513 S.E.2d 85 (1999)). After carefully reviewing the allegations contained in Plaintiff's complaint, we conclude that, as in *Considine*, Plaintiff failed to allege specific violations of public policy by Defendants sufficient to support a claim for wrongful termination in violation of public policy.

In discussing the citation that he issued to the Mayor of Hamlet, Plaintiff alleges:

7. That in 2004 Plaintiff . . . gave to the Mayor of the City, a ticket for an alcohol related offense. Later, difficulties began to arise in Plaintiff's career.

Plaintiff does not identify the statute or ordinance which the Mayor is alleged to have violated following the issuance of this citation or even provide any information concerning the disposition of the citation that the Mayor received. In addition, Plaintiff does not allege that he was asked to take any unethical or illegal actions relating to this citation. Finally, although Plaintiff alleges that "difficulties began to arise" after the issuance of this citation, Plaintiff has not asserted a causal relationship between the issuance of the citation and the treatment that he subsequently received or contended that his "difficulties" amounted to retaliatory conduct stemming from the issuance of this citation. "[T]here must be something more before us than mere speculation that an employee was fired for an improper purpose." *Salter v. E & J Healthcare, Inc.*, 155 N.C. App. 685, 694-95, 575 S.E.2d 46, 52

(2003). Thus, Plaintiff's allegations concerning the citation that he issued to the Mayor do not adequately support a claim for wrongful termination in violation of public policy.

Secondly, Plaintiff alleged, with respect to his "discovery" that a fellow officer had given alcohol to a minor, that:

11. . . . [A]fter the Plaintiff ticketed the Mayor, the Plaintiff discovered that a fellow police officer had given alcohol to an underage person[.] . . . [Plaintiff] told the Officer that he must report to the Chief what the officer had done. . . . Once the Chief received the report, he did nothing.

. . . .

13. That the Plaintiff was 'criticized' by Defendants because Defendants say that Plaintiff 'investigated' a fellow officer[.]

Although this portion of Plaintiff's complaint describes a single instance of misbehavior by a fellow officer, it provides no additional details concerning the identity of the officer or the nature of his conduct. For that reason, we are unable to infer, despite Plaintiff's allegation that the Chief "did nothing" in response to the report of misconduct, that Defendants violated any statutory provision or public policy. Moreover, Plaintiff does not allege that his "discovery" concerning this other officer occurred during the performance of Plaintiff's job duties or that Plaintiff's response to this "discovery" was consistent with applicable Hamlet Police Department rules and procedures. As a result, Plaintiff has not alleged that the reprimand or "criticism" he received in connection with conduct relating to this incident

was undeserved or improper, a fact that precludes us from concluding that this portion of Plaintiff's complaint adequately supports a wrongful termination claim.

In addition, certain other allegations set out in Plaintiff's complaint might be construed as references to the incident involving the conduct of Plaintiff's fellow officer, such as Plaintiff's allegations that:

26. The Defendants terminated Plaintiff when they knew or should have known that Plaintiff's termination was a violation of public policy in this state. Plaintiff had told a fellow officer to report to the Chief that he was involved in illegal activity.
27. The Plaintiff herein in compliance with the policy of this State reported verbally a violation of State law which substantially and specifically endangers the public health and safety, and constituted a gross abuse of authority.
28. It is further the policy of the State that an employee should be free of intimidation or harassment when reporting to public offices about the matters of public concern and should be free from retaliation.

Although these allegations make generalized reference to various public policy concerns, such as the danger to public health and safety stemming from violation of the laws regulating alcohol, and the importance of ensuring that State employees are free from intimidation, harassment or retaliation "when reporting to public offices about the matters of public concern," the complaint does not include specific allegations as to the manner in which Plaintiff's "discharge" involved violations of these policies. For

example, Plaintiff does not allege that he suffered intimidation, harassment or retaliation for reporting "matters of public concern." In addition, Plaintiff has failed to identify any actions by Defendants that comprised the alleged "gross abuse of authority." Thus, Plaintiff's complaint merely alleges that he urged a fellow officer to report a violation of law to the Police Chief and that, to the best of Plaintiff's knowledge, the Chief "did nothing" in response to this report. Although Plaintiff also alleges that he was reprimanded for his "investigation" into the activities of this fellow officer, he did not allege that he never conducted such an investigation, that he followed the applicable departmental procedures in connection with any such investigation, or that the reprimand was otherwise improper. As a result, while we conclude that these allegations indicate that Plaintiff disagreed with the manner in which the Chief responded to the alleged misbehavior of his fellow officer and to Plaintiff's involvement in the matter, they do not support a claim for wrongful termination in violation of public policy.

Similarly, Plaintiff alleges with respect to his support for a dispatcher's schedule change request:

14. That after telling the fellow officer to report illegal activity to the Chief, the Plaintiff who was a shift supervisor, was asked by a dispatcher for the 911 system to change his schedule so that the dispatcher could attend school. The Plaintiff said he would talk to someone and suggest that the dispatcher schedule be changed[.]
15. That Plaintiff did talk to someone asking that the dispatcher's schedule be

changed. The dispatcher's request was denied. . . .

These allegations do not adequately support a valid wrongful termination claim either. Plaintiff has not alleged that his support for the dispatcher's requested schedule change implicated any particular public policy concern, and none occurs to us. Furthermore, Plaintiff had not alleged any basis for concluding that he was properly involved in the discussion of the schedule change request, such as an assertion that the nature and extent of the dispatcher's schedule was encompassed within his duties as a "shift supervisor." As a result, these allegations did not suffice to allege a valid wrongful termination claim.

We reach the same result with respect to Plaintiff's allegations concerning the process employed in filling the vacant Captain's position. Plaintiff alleged with respect to this incident that:

16. An application for Captain with the Hamlet Police Department arose. The Chief selected only two (2) members of the Department to make an application for the job. Plaintiff objected to the procedure and said that all members of the Department should be able to make application for Captain. The Chief of Police overruled Plaintiff's objection, and the City Manager overruled Plaintiff's objection and upheld the procedure contrary to city regulations.

Although Plaintiff alleges that he objected to the Chief's decision to invite only two officers to apply for the Captain's position, he has not identified any "public policy" violation inherent in the rejection of his suggestion. For example, Plaintiff has failed to

specify the manner in which the Chief and City Manager acted "contrary to city regulations." Similarly, Plaintiff has not identified any statute, regulation, or policy that was violated in connection with the filling of the vacancy in question. Although the allegations in Plaintiff's complaint clearly indicate that he disagreed with the procedures utilized to select a new Captain, they simply do not articulate any statutory or policy violation of the type necessary to support a wrongful termination claim.

Next, Plaintiff alleges that:

17. Two (2) days after Plaintiff's grievance against the Chief for not accepting applications for the position of Captain was upheld by the City manager, the Police Chief wrote a grievance against the Plaintiff for (1) suggesting that a dispatcher's schedule be changed, and (2) investigating a fellow officer for violation of the law. In response, Plaintiff told Defendant that a fellow officer had violated the law.

Although Plaintiff has clearly alleged that he was disciplined, he has not asserted that his actions concerning the other officer's alleged misconduct or the dispatcher's schedule were consistent with applicable departmental policies or that the discipline imposed upon him was in any way unwarranted. In the absence of such allegations, we cannot discern any public policy implications associated with Plaintiff's reprimand.

Similarly, Plaintiff has alleged with respect to his handling of an unspecified juvenile case that:

19. Later, Plaintiff escorted some juveniles, who were out at night, to the Police Department and had their parents pick them up. Plaintiff was 'criticized' by

the City Manager and the Chief because he took the juveniles to the Police Department. Although Plaintiff was out to enforce the laws and see to it that the juveniles were properly protected. Defendants criticized Plaintiff. That event was used, in part, as reason to wrongfully demote and wrongfully constructively discharge the Plaintiff.

Once again, although Plaintiff alleges that he was reprimanded for his handling of this incident, he does not claim to have acted in compliance with departmental regulations or to dispute the validity of the "criticism" he received in any other way. Plaintiff's allegation that, at the time of this incident, he "was out to enforce the laws and see to it that the juveniles were properly protected" sheds no light on whether Plaintiff complied with established departmental procedures when he brought the juveniles to the police station. As a result, we conclude that this allegation does not support a claim for wrongful termination in violation of public policy.

Plaintiff alleged with respect to his demotion that:

18. Plaintiff's objection to the Defendants for not taking applications from all in the department for the position of Captain was a reason for wrongfully demoting and wrongfully discharging the Plaintiff.

. . .

20. Using (1) the fact that Plaintiff investigated violations of the law by a fellow officer, and told Defendants that a fellow officer had violated the law, and (2) the Defendant had discriminated against other fellow officer[s] by only taking two (2) applications for open positions and promotions; (3) Plaintiff had suggested a change in a dispatcher's

schedule; and (4) Plaintiff had taken juveniles to the Police Station to call their parents; the Defendants wrongfully cut Plaintiff's wages by more than . . . (\$10,000.00) per year . . . and wrongfully demoted Plaintiff[.] . . . Plaintiff appealed his demotion to the City Manager who wrongfully denied his appeal.

21. That the actions by the Defendants were in violation of public policy that are in fact contrary to the laws in this State, contrary to due process, and contrary to due process procedures.

Plaintiff has not, however, made any factual allegations to support his contention that his demotion resulted, at least in part, from his complaints about hiring procedures and his other activities. "Although evidence of retaliation in a case such as this one may often be completely circumstantial, the causal nexus between protected activity and retaliatory discharge must be something more than speculation." *Swain v. Elfland*, 145 N.C. App. 383, 387, 550 S.E.2d 530, 534, *cert. denied*, 354 N.C. 228, 554 S.E.2d 832 (2001) (citation omitted). Assuming for purposes of discussion that Plaintiff did report his fellow officer's delivery of alcohol to a minor or other unspecified "violations" of law to Defendants and that Defendants responded by retaliating against him, Plaintiff has still failed to allege that Defendants violated any particular public policy in acting as they did. Furthermore, although Plaintiff has alleged that his demotion was based, in part, on his investigation of alleged misconduct by a fellow officer, his intervention in support of a dispatcher's request for a schedule change, and his handling of a juvenile matter, we note that, once

again, Plaintiff has not alleged that he acted consistently with his job description or relevant departmental regulations at the time of these incidents. Thus, Plaintiff has failed to allege any basis for his contention that his demotion or the denial of his appeal to the Mayor was in any way "wrongful."

Although Plaintiff has alleged that the hiring procedure adopted by the Chief for the purpose of filling the vacant Captain's position was discriminatory, he has not asserted that the allegedly discriminatory conduct stemmed from reliance on any impermissible classification or other improper criterion. See, e.g., *In re Williams*, 58 N.C. App. 273, 279, 293 S.E.2d 680, 684 (1982) (stating that the "issue of 'wrongful discrimination' would encompass the question of whether wrongful differentiations were made by the Chief of Police in his assessments of candidates for promotion"). In addition, Plaintiff's conclusory allegation that Defendants acted "contrary to the laws in this State, contrary to due process, and contrary to due process procedures" fails to identify any specific statutory provision or public policy implicated by Defendants' conduct. Thus, the allegations of Paragraph Nos. 18, 20, and 21 do not suffice to support a valid claim for wrongful termination.

Finally, Plaintiff alleges that:

22. That the Defendant constructively discharged Plaintiff from his employment. When Plaintiff protested to the Defendant City Manager that his wages had been cut and that he had been demoted . . . Plaintiff was informed that the Defendants did so in hopes that Plaintiff

would leave his employment with the City of Hamlet.

. . . .

25. That as a proximate cause of the actions by the Defendants, Defendants have wrongfully discharged the Plaintiff. Plaintiff's action in investigating police law violations; and Plaintiff's attempts to uphold the law and prevent discrimination in department promotion, and to prevent wrongful doing in the department would be applauded. It is the public policy of this state to insure that the laws are properly enforced and that there is no discrimination in the laws. Plaintiff's discharge was wrongful.

A careful reading of Paragraph No. 25 indicates that Plaintiff now refers, contrary to his original assertion that he urged a fellow officer to report a single violation of the law, to his "action in investigating police law violations." Although the wording of Paragraph No. 25 implies that Plaintiff investigated widespread wrongdoing, the only specific example of departmental wrongdoing described in Plaintiff's complaint is the claim that a single officer gave an alcoholic drink to a minor. Moreover, Plaintiff's general references to his "attempts to uphold the law and prevent discrimination in department promotion" and "to prevent wrongful doing in the department" do not provide any factual support for a conclusion that Defendants violated any specific public policy at the time of his alleged termination. Despite the fact that Plaintiff alleges that the City Manager told him that Defendants cut his pay for the purpose of encouraging him to leave the police department, Plaintiff once again fails to identify any statutory

provisions or public policy implicated in Defendants' conduct. Plaintiff admits that he disagreed with the Chief's approach to selecting candidates for promotion and disagreed with the decision to reprimand Plaintiff for his conduct on several other occasions. However, given the absence of any allegation describing the public policy that Defendants allegedly violated, we are unable to conclude that Defendants would have violated North Carolina public policy in the event that Defendants concluded that Plaintiff was not a "good fit" for the department and acted accordingly, which is all that Plaintiff's allegations tend to suggest occurred.

At bottom, the allegations set out in Plaintiff's complaint allege an ongoing dispute between Plaintiff and Defendants over a number of work-related issues. Such disputes arise in any workplace from time to time. However, none of the allegations set out in Plaintiff's complaint suffice to establish that his alleged "wrongful termination" stemmed from or resulted in a violation of an established, clearly-identified North Carolina public policy. Thus, the allegations of Plaintiff's complaint simply do not establish the existence of a valid claim for wrongful termination cognizable under North Carolina law.

III. Conclusion

For the reasons set forth above, we conclude that Plaintiff's complaint fails to properly allege a claim for wrongful termination in violation of public policy. Thus, the trial court's order dismissing Plaintiff's complaint should be, and hereby is, affirmed.

AFFIRMED.

Judges MCGEE and STROUD concur.

Report per Rule 30(e).