

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

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m 98-51021

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DESIREE D'ORSOGNA,

Plaintiff-Appellant,

VERSUS

TEXAS DEPARTMENT OF HEALTH  
and  
SAN ANTONIO CHEST HOSPITAL,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Western District of Texas  
(SA-97-CV-440)

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November 3, 1999

Before GARWOOD, SMITH, and  
BENAVIDES, Circuit Judges.

PER CURIAM:\*

Desiree D'Orsogna appeals an adverse summary judgment in her suit claiming sex discrimination and retaliation under the Texas Labor Code. Specifically, she claims she was demoted from her former position of sole supervisory authority to a co-directorship with a male co-director.

There is no error. D'Orsogna produced no evidence suggesting sex-based animus in the actions taken by her employer. Without animus or other discriminatory intent based on a proscribed ground, such as sex or race, a plaintiff cannot succeed. Here, the changes made were the result of a legitimate

reorganization within the company. Because of the absence of discrimination, we need not address whether the actions taken amount to an adverse employment action.

D'Orsogna also has failed to produce evidence that any actions taken at the workplace were a result of, or in retaliation for, her exercise of rights under the employment discrimination laws. She has failed to establish the causal connection necessary for recovery.

**AFFIRMED.**

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\* Pursuant to 5<sup>TH</sup> CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5<sup>TH</sup> CIR. R. 47.5.4.