

Investigation Insights

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Analysis and Commentary From NFC's Investigations Practice Group - February 2026

Case Spotlight:

By Catherine I. R. Pontoriero, Esq.

Byrnes v. St. Catherine Hospital et al., 158 F.4th 1107 (10th Cir. 2025)

Dr. Matthew Byrnes, a surgeon at St. Catherine Hospital (a Centura Health ("Centura") member hospital), filed a complaint against a colleague for sexual harassment. The Medical Executive Committee ("MEC") president and Human Resources conducted an internal investigation and determined the complaint lacked merit. Dr. Byrnes challenged the investigation, again complaining about the colleague. Two months later, the MEC president recommended a psychological evaluation of Dr. Byrnes, citing his "false allegations." Dr. Byrnes accused the hospital of retaliation against a "whistleblower," and the evaluation request was withdrawn.

Later that month, the hospital received a state medical board subpoena tied to an anonymous complaint about Dr. Byrnes's behavior and patient care. Dr. Byrnes reported the complaint to Centura, denied the allegations

contained therein, and claimed it was filed in retaliation for his complaint about a colleague. Centura conducted an internal investigation. It interviewed about a dozen individuals but failed to notify Dr. Byrnes of the investigation or interview him or any nurses who may have key information. As a result of this investigation, Dr. Byrnes was fired.

Dr. Byrnes filed suit, claiming, among other things, that Defendants fired him in retaliation for his complaint about a colleague. The District Court granted summary judgment to Defendants, the hospital and Centura.

The Tenth Circuit reversed. Regarding the investigation, the Court explained that a reasonable jury could find that the investigation was unfair and biased, Defendants intended for their biased investigation report to lead to Dr. Byrnes's termination, and the investigation report was a but-for cause of the termination. The Court emphasized "the most glaring deficiency" was the failure to interview Dr. Byrnes as part of the investigation. The investigation also relied only on evidence that was unfavorable to Dr. Byrnes, and the investigator failed to interview key witnesses.



Key Takeaways:

- Investigations can be critical evidence in retaliation and discrimination matters.
- When an investigation is conducted, absent extenuating circumstances, investigators should interview the employee filing a complaint and key witnesses.
- Investigation reports and conclusions should reflect an evaluation of the relevant evidence gathered, not just evidence that may support the ultimate finding.

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