



Written by [Dave Bohon](#) on July 17, 2012

## Woman Claims Employer Fired Her for Refusing Abortion

A Virginia woman is suing the restaurant where she worked as a waitress, charging that the owner fired her after she refused to have an abortion. According to the [Roanoke Times](#), seventeen-year-old Abigail Shomo had worked for about four months at Mi Puerto, a restaurant owned by Leopoldo Florez Aguirre Sr., when she became pregnant by Aguirre's son, Leopoldo Florez Aguirre Jr. According to the lawsuit, after finding out that Shomo was pregnant, Aguirre Sr. ordered that she be fired, telling her, the lawsuit alleges, that "although he was happy with her work, [she] was pregnant; that in his opinion, customers did not want to see 'a belly' on their waitresses; and that customers wanted a slim young waitress."



The lawsuit charges that upon finding out that his father planned to fire Shomo, the younger Aguirre advised that she abort her baby, even offering to pay for the procedure. Shomo said that she refused to comply, citing her religious beliefs.

Keith Finch, an attorney for the restaurant, called the charges that his client discriminated against Shomo "absolutely false," telling the *Christian Post* that the woman has failed to substantiate that his client demanded she have an abortion, or that Aguirre Jr. is actually the father.

Finch said that when Shomo first made the complaint against the restaurant she never mentioned being pressured to have an abortion. Additionally, he said, "Ms. Shomo never showed up for a paternity test that could have substantiated her claim" of the child's father.

Claimed Finch of the lawsuit: "There was no discrimination. Lawsuits are expensive to defend, and Ms. Shomo is just hoping that her former employer would rather settle with her than pay the defense costs."

Finch also issued a statement to the *Christian Post* saying that the owners of the restaurant share Shomo's religious beliefs concerning abortion. "The owners and employees of the Mi Puerto restaurant are of the same Catholic religion and beliefs as Ms. Shomo, and they would never dream of suggesting that she have an abortion," the statement read.

Shomo's attorney, Terry Grimes, told the *Roanoke Times* that the case "presents the interesting question of whether an employer in Virginia can fire a woman for refusing to have an abortion." According to the paper, U.S. District Judge James Turk, who is hearing the case, wrote in a June filing that there appears to be no controlling precedent for Shomo's claim. Turk wrote, however, that terminating a woman from her employment "simply because she refuses to have an abortion offends the conscience of the court."

The *Times* reported that Turk had "reluctantly" decided to dismiss Shomo's abortion claim because, he



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concluded, it would not survive under a complicated set of legal factors. However, “Grimes said he intends to appeal on that issue, which has yet to be addressed by the Virginia Supreme Court,” reported the paper.

Meanwhile, Turk ruled that other portions of the case, including Shomo’s charge of pregnancy discrimination, along with a separate claim of wage violations by the restaurant, could move forward.



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