

A police officer was employed on a city's police force for 10 years. When the officer accepted the job, the city's employee benefit plan provided a death benefit to the spouse of any employee who died as a result of any job-related injury. Last year, the city amended its employee benefit plan to deny its death benefit in cases where the death "was caused by the employee's refusal to accept, for any reason, reasonably available medical care prescribed by a physician."

After this amendment took effect, the officer was shot while on duty. Because of a sincerely held religious belief, the officer refused to allow a prescribed blood transfusion and, as a result, died from loss of blood. When the officer's spouse applied for the death benefit, the city denied the application on the basis of the amendment to the employee benefit plan.

The officer's spouse has challenged the amendment, claiming that, as applied to the officer, it violated the officer's constitutional right to the free exercise of religion.

Is the court likely to find the amendment to the employee benefit plan constitutional as applied to the officer?

- A. No, because it effectively discriminates against a religious practice.
- B. No, because it violates the vested contractual rights of city employees who were hired before the amendment took effect.
- C. Yes, because it is generally applicable and religiously neutral, as well as a reasonable limitation on the award of such benefits.
- D. Yes, because it imposes a condition only on the award of a government benefit and does not impose a penalty on an individual's conduct.

Explanation:

The First Amendment **free exercise clause** prohibits governments from denying benefits (or imposing burdens) based on an individual's religious belief or conduct (**Choice D**). The level of scrutiny applied to laws or policies that **burden religion** depends on whether that burden was:

- **direct** (intentional) – triggering **strict scrutiny**, which invalidates a law unless the government proves that it is necessary to achieve a compelling government interest *or*
- **incidental** (generally applicable and religiously neutral) – triggering **rational basis scrutiny**, which upholds a law unless the challenger proves that the law has no rational relation to any legitimate government interest.

But even an incidental burden will trigger strict scrutiny when the law requires an **individualized assessment** of a person's actions.

Here, the employee benefit plan only imposes an incidental burden since the plan is generally applicable to all employees and does not intentionally target religion (ie, is religiously neutral). That is because the plan denies benefits when the refusal to accept medical care was for *any* reason—it does not single out religious reasons (ie, no individualized assessment). And since the plan is reasonably related to the city's legitimate interest in limiting the award of benefits to job-related deaths, it is likely constitutional.

(Choice A) Although the benefit plan effectively discriminates against the officer's religious practice, the plan will likely be upheld since it is generally applicable and there is no evidence that it intentionally interfered with his religion.

(Choice B) The **contracts clause** prohibits state and municipal legislatures from enacting *laws* that substantially impair vested contract rights. But it does not apply to amendments to employee benefit plans since they are unrelated to lawmaking or rulemaking.

Educational objective:

Direct burdens on religion are strictly scrutinized and struck down unless the government proves that the law is necessary to achieve a compelling government interest. In contrast, *incidental* burdens are upheld unless the challenger proves that the law has no rational relation to any legitimate government interest.

References

- Emp't Div. v. Smith, 494 U.S. 872, 884–85 (1990) (affirming the government's ability to enforce a generally applicable law that incidentally burdens religion).

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Free exercise analysis

