

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 22-2767

DUNCAN MORGEN-WESTRICK,
Appellant
v.

PENNSYLVANIA STATE UNIVERSITY

On Appeal from United States District Court
for the Eastern District of Pennsylvania
(D.C. No. 2-20-cv-03335)
District Judge: Honorable Cynthia M. Rufe

Submitted Pursuant to Third Circuit L.A.R. 34.1(a) on
September 19, 2023

Before: RESTREPO, McKEE, RENDELL *Circuit Judges*

(Opinion filed: October 4, 2023)

OPINION*

* This disposition is not an opinion of the full Court and under I.O.P. 5.7 does not constitute binding precedent.

McKEE, *Circuit Judge*.

Duncan Morgen-Westrick appeals the District Court's grant of summary judgment to Pennsylvania State University in this dispute over a grade he received in a course he took at the defendant university. Morgen-Westrick contends that he was "constructively discharged over failure to carry out defendant's promises to provide reasonable accommodation" for him. Appellant's Br. at 3. He asserts claims under the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq., and for breach of contract, promissory estoppel, and due process violations. Essentially, the grade given to Morgen-Westrick, after extensions were provided for him to complete assignments, was below the grade he needed to be reimbursed by his employer for his tuition, which limited his ability to pursue a master's degree.

In her detailed and thoughtful opinion, Judge Rufe carefully and clearly explained her reasons for granting summary judgment for Pennsylvania State University in this case arising from the disputed grade.¹ We can add little to Judge Rufe's analysis and discussion and we will therefore affirm the District Court's order substantially for the reasons set forth in that opinion.

¹ See *Morgen-Westrick v. Pa. State Univ.*, No. 2-20-cv-03335, 2022 WL 3691014 (E.D. Pa. Aug. 25, 2022).