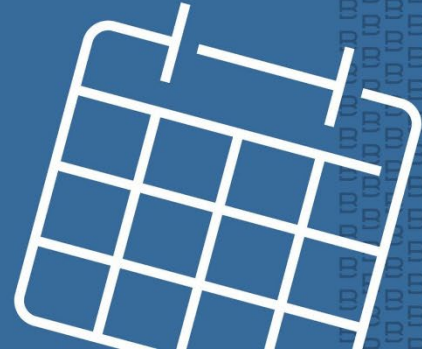


The Work Week

News from the
Bassford Remele
Labor & Employment
Practice Group



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Welcome to another edition of *The Work Week with Bassford Remele*. Each Monday, we will publish and send a new article to your inbox to hopefully assist you in jumpstarting your work week.

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Can an Employer Rescind a Job Offer Over Pending Criminal Charges, Even if the Recruit Is Later Acquitted? Minnesota's Federal Court Says Yes.

[Andrew T. James](#)

Many HR professionals have experienced the anxiety of learning (through a public search or background check) that an employee or a top job candidate has been charged or convicted of a serious crime. But what happens if, months later, the candidate is fully acquitted, returns to your door, and demands the job—or threatens a lawsuit?

A recent decision from the United States District Court for the District of Minnesota provides employers with some guidance on their legal obligations in this scenario. On April 16, 2026, in the case of *Quinlan v. FD Software Enterprises, LLC, et al.*, Judge Donovan Frank [granted three motions to dismiss](#) filed by companies stemming from an employee/recruit who had pending domestic-violence and child-sexual-abuse allegations. This significant decision offers a useful roadmap for de-risking hiring decisions where criminal charges are pending.

When Pending Criminal Charges Become an HR and Legal Nightmare

The plaintiff in *Quinlan* appears to have been swept up in an unfortunate personal and legal firestorm. He alleges in his Complaint that in January of 2023, he was “wrongfully charged with serious criminal offenses stemming from fabricated allegations of domestic violence and child sexual abuse by his ex-wife during a custody and divorce dispute.”

Two months after the charges were filed, in March of 2023, a technology firm extended him a written offer of employment. The offer letter explicitly stated that employment was at-will and conditioned the opportunity on passing a routine background check. When that background check flagged the active, pending criminal charges, the employer immediately rescinded the offer.

The pending charges continued to follow the plaintiff. In May of 2023, he started working for another entity. However, on August 15, 2023, it terminated his employment citing performance-related issues.

After a full trial in April 2024, the plaintiff was fully acquitted of all criminal charges. Around that same time, apparently seeking a career pivot, the plaintiff obtained a commercial driver's license and applied for a trucking role with an employer in July of 2025. During the onboarding process, a recruiter uncovered the history of the prior case. Despite his explanation of the full acquittal, the employer decided not to move forward with the employment.

The plaintiff sued all three employers and potential employers in a multi-count Complaint that asserted claims for negligent infliction of emotional distress, promissory estoppel/detrimental reliance, wrongful discriminatory employment practices, and violations of due process. Each company filed a separate Motion to Dismiss.

Motions Granted: Employer Discretion Regarding Past or Pending Criminal Charges

Judge Frank rejected the plaintiff's arguments, granting all three motions to dismiss. The Court's reasoning was different for the two groups of employers.

For the companies that rescinded or refused to finalize the employment relationship, the Court cited to the onboarding paperwork. Because the job offers were made conditional on the successful completion of a background check, the Court found the companies owed no duty of care to the plaintiff, including to confirm wrongful allegations or to not base their employment decisions on mistaken information. Therefore, Judge Frank held, those prospective employers were completely within their rights to decline to hire the plaintiff.

Regarding the employer that hired and then fired the plaintiff, Judge Frank reiterated that an at-will employee can be terminated for any reason or for no reason at all. Because of this standard, Judge Frank concluded that an employer owes no tort-based duty of care to verify the truth of allegations or to refrain from making business decisions based on mistaken or unadjudicated information about a criminal proceeding. An employer has an absolute right to terminate the at-will relationship, even if the information on which they base that termination decision turns out to be incorrect.

How to Bolster Your Recruitment, Offer, Hiring, and Firing Processes

While the *Quinlan* decision is a sweeping victory for employer discretion, navigating active criminal charges requires a structured process to ensure compliance with overlapping local and

federal frameworks (including, among other considerations, Minnesota’s “Ban the Box” rules, the EEOC’s enforcement guidance on criminal records, and the Fair Credit Reporting Act).

To protect your employment processes from legal scrutiny, the best strategy is to be proactive:

- *Offer Letters:* If you conduct background checks of potential new hires, ensure that every offer to a recruit (and any offer letter) explicitly states, in plain language, that the offer is strictly conditional upon the successful completion of a background check, drug screen (if applicable), and verification of credentials and references. Never allow a candidate to begin substantive onboarding or training, or perform any substantive work, before these conditions are met. Also, explicitly state in your offer letters and employee handbooks that the employment relationship remains at-will at all times, meaning either party can terminate the arrangement with or without cause or notice.
- *Document, Document, Document:* If you must rescind an offer due to pending charges, document the business reasons for that decision and preserve that documentation in case a claim is later brought. If there is a specific business nexus to the decision, include that justification. For example, if a position requires operating commercial vehicles, handling sensitive consumer data, interacting with minors or vulnerable individuals, or working in client homes, note how the specific pending criminal charges directly impact the operational risk of the business during the interim period.
- *An Acquittal is Not an Exoneration:* As *Quinlan* demonstrates, an acquittal means the state failed to prove guilt beyond a reasonable doubt; it does not legally compel a private business to ignore the historical timeline or automatically extend a job offer. Create standard processes (that also apply to post-acquittal applications), and then neutrally and consistently apply those processes to all potential hires.

Bassford Remele’s award-winning [Employment Practice Group](#) is here to help with these issues and more. Please reach out to discuss ways that we can help you protect your business or protect your rights.

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