

Right-wing Kroger manager in southwest Ohio bullied employee to suicide for wearing mask during coronavirus pandemic, lawsuit alleges

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A lawsuit filed Monday—Kenneth Seyfried v. The Kroger Company—alleges that the manager of the grocery chain’s location in Milford, Ohio, a suburb of Cincinnati, imposed and facilitated “disturbing, dangerous, and deranged conditions,” which resulted in the suicide of an employee.

Kenneth is the father of Evan Seyfried, a 40-year-old dairy manager and 19-year veteran of Kroger. He was “[a] dutiful Kroger employee [who] reported to work each and every day during [the coronavirus] pandemic ready to provide a quality, safe product, yet was tormented by his own superiors inside of the building that promised to keep all customers and associates safe,” said family attorney Austin LiPuma. “Evan was dedicated to this career with Kroger. In return, Kroger intentionally subjected Evan to torturous conditions that were directly responsible for his death.”

According to the lawsuit, “In the early morning of March 9, 2021 ... a man with no prior history of severe mental health concerns, slashed his arms, wrist, and throat” succumbing to his wounds “within minutes.”

The suit accuses manager Shannon Frazee of having “began a campaign dedicated to ousting Evan while proclaiming her intention to make Evan’s life a ‘living hell’” in October of last year. “And then, from that point on, this is fall 2020, because of his refusals to comply with, quite frankly, dangerous conduct,” said LiPuma, “They then targeted him with just, as I mentioned, completely indescribable behavior.”

The harassment against Seyfried was apparently a politically motivated right-wing campaign which zeroed in on Seyfried for his concern about the spread of coronavirus and his attempts to take precautions to protect himself and others. This allegedly led to “hazing, taunting, and bullying” and attempts to sabotage his work. As part of the alleged bullying, Seyfried’s boss “mocked and humiliated” him for wearing a facemask, as well as for his politics.

The lawsuit further alleges that Frazee “pitted associates against each other based not only on their willingness to follow COVID-19 safety guidelines, but also on their political ideologies. Evan was consistently mocked and harassed. Coworkers referred to him as ‘antifa.’ Frazee placed specific pressure on Evan and other associates with differing political opinions.”

While the United Food and Commercial Workers union is not a defendant in the suit, they maintained a guilty silence. Neither the local or national union vigorously opposed the campaign while it was in progress and did little beyond routine grievance procedures which were dragged on and had gone nowhere by the time Seyfried, who is a union member, committed suicide.

“In addition to the hazing, taunting, and bullying,” according to the

lawsuit, “Frazee also made multiple, unwanted sexual advances to Evan, which he reported with zero recourse.” The suit continues, “Frazee’s campaign against Evan continued when she and other agents began purposely leaving holes in the Dairy Department schedules, resulting in a huge backlog of product, uncleaned shelving units, and incorrectly shelved product.”

This resulted in Seyfried diverting attention and time required for other tasks to address the sabotage. However, when Seyfried asked for overtime to address the present issues, he was denied by Frazee. The lawsuit continues, in late 2020 “unidentified persons began to follow Evan home from work.” Seyfried’s friends believed these to be coworkers Frazee pitted against him. This stalking was also confirmed by not only his parents but his neighbors as well. “...neighbors who commented on the neighborhood webpage that there were occupied, unfamiliar vehicles parked on the street for unusually long periods of time. This behavior continued until Evan’s death.”

Nearing the close of 2020 and continuing the following year late into February, “Evan began to have confrontations with both Frazee and Joseph Pigg,” another manager at the store. As Seyfried was experiencing heightened pressure from Frazee, the harassment he was subjected did so too. “In late January, 2021,” the lawsuit says, “Evan entered Pigg’s office to use the copier. While there, Pigg informed Evan, that his access to the Kroger system meant that he could tap into Evan’s computer and track Evan and his internet usage at all times.”

Nearing the end of January, Frazee hired the sister and brother-in-law of another “agent” at the Milford location. “A general consensus was reached” that the brother-in-law would replace Seyfried upon his termination, and that “Evan’s days [were] numbered.” Seyfried, growing weary of the hostile work environment, stepped down from his management position in the Dairy Department and requested a transfer to another store. His request was denied. “He was told management would need sixty days to honor his request.” Seyfried had suspicions Frazee was barring his transfer to ensure his termination.

On February 22, an unnamed coworker and friend, referred to as “Associate” in the lawsuit, called union representative Steven Nichols to report the hostile work environment. On February 28, “Associate” texted Seyfried that “he should also talk to Nichols about the harassment.” “Associate” reported that she “specifically ... wanted to call Nichols about feeling bullied and harassed,” and, fearing retaliation, was “hesitant to call the helpline before but said, ‘it’s going [too] far especially with you and [unnamed associate].’”

It was around this time that two female coworkers approached Evan, telling him that they had been sexually harassed by Pigg. Evan followed

this up by bringing the two women to the store's union representative to assist in reporting Pigg for sexual harassment. However, Pigg was transferred out of the Milford store, only to be transferred back to the Milford location two weeks later as the Security Manager.

After myriad reports gone ignored by the company and union, the stalking of Seyfried resumed with more furor. Seyfried began receiving numerous text messages from unidentified numbers, querying "Are you going to sue the company?" and "Are you going to try and get us?" These text messages eventually led to psychological torture where explicit photos of child pornography were sent to Seyfried.

In early March, Seyfried filed another complaint about Frazee's harassment to the union and a meeting was set for March 8th. This meeting never took place, as Seyfried would resign the day before.

After Seyfried confronted Frazee on her behavior, she was heard saying that she would make Seyfried's life a "living hell." Following this statement, dairy products, which were out-of-date, began appearing back on the shelves, notwithstanding Seyfried having "double-checked" the stock. Frazee, according to the lawsuit, also "convinced Evan's coworkers to meddle with the Dairy stock in an attempt to fabricate a reason for Evan's termination."

A coworker resigned due to this—he refused to engage in Frazee's scheme. This former employee's position remained vacant at the behest of Frazee to "c[o]me down harder on Evan."

On March 4, a store-wide audit was scheduled with the Regional Manager. Seyfried was stressing that if written up during the audit, he would be terminated. He believed "Frazee and others involved would ... use that chance to gratuitously accuse him of his crimes, such as property theft or possession of child pornography," based statements made by Pigg and the company's ability to hack into one's personal devices using "Kroger-sponsored technology."

In the early morning hours, at approximately 02:00 EDT, "Evan found an associate taking pictures of the shelves in the Dairy Department." The coworker informed Seyfried of the "outdated products," and that she was passing this information "directly to Frazee and that she had been doing so since January."

Two hours later, Seyfried found an outdated carton of milk, scanned the item, and removed it. Then, at 06:00 EDT, Seyfried found another carton of outdated milk on the same shelf. He repeated the process by scanning the item and removing it from the shelf. At 08:23, he found a third outdated carton the same shelf, and then a fourth at 10:05. At 10:45, Seyfried noted that a "couple posing as customers ... came through," describing the "couple" as a 5'10" bald man with a fake Spanish accent and 5'6" brunette woman. The "couple" walked through the dairy section, filming the doors and bunker. Seyfried believes they were placing outdated cartons of milk on the shelves.

At 10:58, Seyfried noted a "woman came through end of aisle 25 asking for brown paper bag ... asked her if I could check the dates [of her yogurt], she agreed [sic] we checked the dates, two or three of the Go-Gurt or Yoplait boxes she checked, I did not. She became nervous and went to look for brown paper bags."

Following these events, "Associate" called the company's Ethics Helpline, and spoke with an agent on the line for 22 minutes. "Associate" informed the helpline agent that Frazee was "bullying people to step down to replace them with people she wanted." "Associate" also informed the helpline agent she felt "targeted" and the need to photograph her work to protect herself against unsubstantiated and false claims. She further asked if the helpline agent could pull the store's security footage.

During the audit, Seyfried spoke with the union representative again, writing, "Shannon [Frazee] is holding me in this store in order to set me up to be fired for insubordination specifically for not checking yogurt dates." Seyfried made a note of this on March 1, writing, "I'm concerned about retaliation."

On March 5, the harassment continued. According to the suit, at 08:15 EDT, someone took Seyfried's scangun that he was logged into. He found it 5 minutes later with items having been scanned. At 08:30, he was approached by a coworker sent by Frazee with concerns regarding the Dairy aisle. At 08:44, a customer handed Seyfried a sour cream tub with a fresh cut in the container, saying "this would only cause you problems later."

Approaching 09:00, coworkers began finding outdated milk cartons in the breakroom. Seyfried was asked if he knew anything about it. At the conclusion of Seyfried's shift, he texted "Associate," "Today was worse than imagined. The situation at the store is far far [sic] beyond inappropriate. This place is not a safe place to be. [It's] ugly."

Later that day, he again texted "Associate," "[I] think the company we work for has done something to my phone. Have more interaction with undercover store security than customers. Union members working in tandem with management to get me fired. This is totally out of control."

Between the days March 6 and March 8, Seyfried informed his union representative that he was quitting effective immediately. One of Seyfried's former coworkers quit his job too, claiming he "could not work without Evan there." The following day on March 7, Seyfried's position was filled with the brother-in-law.

Seyfried continued to worry about the "unfounded criminal charges including property theft and possession of child pornography. Evan still believed Pigg had access to his phone," according to the lawsuit. On March 8, Seyfried and his father made the decision to go to the law firm of O'Conner Acciani and Levy, a personal injury firm located in downtown Cincinnati, regarding concerns around Seyfried's phone.

However, prior to entering the law firm, Evan experienced a "transient episodic break." According to the lawsuit, "Evan ran into the building and subsequently wandered away from his father and threw away all his possessions. His father found him wandering the streets approximately two hours later."

On March 9 around midnight, Evan told his father that "Frazee and Pigg were going to 'get him' and that 'things would get ugly.'" These were Evan's last words before taking his life. Kenneth found his son, dead, in his room two hours later.

"There is absolutely nothing else indicative that Evan had any issues with mental illness, no history of any issues whatsoever," said LiPuma, "and every single complaint that led up to that fateful day was solely attributable to those garish stories in conduct from that location."

On March 11, Frazee called Eric Seyfried, Evan's brother, to offer her "condolences." Eric, however, reported that Frazee was "taking the family's temperature" regarding future litigation.

"Associate" followed up with the Ethics Helpline, after Evan's death, to see if the Ethics department had investigated her claims filed March 4. She informed the department that "the main subject that call had took [sic] his own life." The department informed "Associate" that they had investigated her claims and closed the investigation prior to Evan's death.

The lawsuit seeks a jury trial on myriad claims against Kroger and the two managers: conspiracy; intentional infliction of emotional distress; negligent infliction of emotional distress; invasion of privacy; sexual harassment, and wrongful death.

"We also have so many questions, knowing that Evan attempted to blow the whistle to say 'these are the people supposed to protect me, I'm trying to put you on notice,'" said LiPuma.



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