



**PRESS RELEASE from
LIBERTY JUSTICE CENTER**

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Ex-MassHealth employee sues after being fired for personal Facebook posts

BOSTON (July 23, 2021) — A former MassHealth employee is suing the agency after she was fired for posting in a private Facebook group that she opposes reporting people who do not wear masks to law enforcement authorities. Denise Foley has filed a lawsuit against MassHealth for wrongful termination and violating her free speech rights with help from attorneys at the Liberty Justice Center, a national public interest law firm.

“Denise Foley, like every other American, has a right to voice her opinion on civic issues. And in this case, she did so in her personal capacity, in a private group online, and it had no bearing on her job or her role with MassHealth,” said **Jeff Jennings, an attorney at the Liberty Justice Center**. “MassHealth is a government workplace, and government employees don’t surrender their First Amendment rights when they enter public service. Denise should not have been fired, and we will fight vigorously for her rights.”

Denise Foley had worked for MassHealth since 2019. During her tenure as Director of Internal and External Training and Communication, she consistently received glowing performance reviews. She received the “2020 Citation for Outstanding Performance” signed by Gov. Charlie Baker and was described as having taken the new work changes related to COVID-19 “in stride.”

In December 2020, Foley made comments in a private Facebook group created to discuss life in Milton, Mass. She expressed concern about a proposal for neighbors to call the police if they spotted someone else in the community not wearing a face mask. Her comments were anonymously reported to MassHealth. In response, Foley was suspended and ultimately fired from her job in January 2021 for expressing a privately held opinion in a private group, during non-work hours, using a personal device and social media profile.

“I was fired from a job I loved simply for expressing my personal opinion on a pressing issue in our community,” said **Denise Foley, the former MassHealth employee**. “I never thought this could happen in America. Working for the government should not mean forfeiting my rights. It’s scary that we are attacking one another over a difference of opinion. I’m standing up for my rights in hopes I can prevent others from being persecuted for expressing their views.”

Both the U.S. Constitution and the Massachusetts Constitution guarantee citizens a right to free speech. MassHealth officials violated Denise Foley's rights under federal and state law when the state terminated her for posting her personal opinion in a private Facebook group.

The Liberty Justice Center is working together on this case with private attorneys for Foley, who previously sent a letter to the MassHealth demanding that they reinstate her. The agency failed to comply, and the two legal groups have filed her lawsuit *Foley v. MassHealth*.

***Foley v. MassHealth* was filed July 22, 2021, in Norfolk County Superior Court and can be found here: <https://libertyjusticecenter.org/media/denise-foley-masshealth>**

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The Liberty Justice Center is a nonprofit, public-interest litigation center that fights to protect school choice and fundamental constitutional rights. The Liberty Justice Center is best known for its 2018 U.S. Supreme Court victory in *Janus v. AFSCME*. Learn more about the Liberty Justice Center at [LibertyJusticeCenter.org](https://libertyjusticecenter.org).