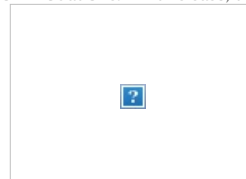


COURT RECOGNIZES OBESITY AS A DISABILITY



A woman working at a company in Louisiana was fired, with obesity cited as the reason. She made a claim with the Equal Employment Opportunity Commission (EEOC) that her employers had violated the Americans with Disabilities Act (ADA). Though she died from conditions associated with her weight before she had her day in court, the EEOC filed suit on behalf of her estate. The woman was hired by Family House, a treatment facility that cares for chemically-dependent women and their children, in 1999. At the time she was employed, she weighed an excess of 400 pounds. She was terminated eight years later, by which point her weight, according to court documents, had reached 527 pounds. In 2009, she passed away, with “morbid obesity” given as the cause of death. In September of 2010, the EEOC filed a lawsuit, claiming that the woman’s severe weight was an impairment and that Family House’s treatment of her was an ADA violation. The woman’s supervisor had said that the employee’s “weight was clearly having an adverse impact on her ability to do her job.” Additionally, she had been told that her “limited mobility” was a reason for her termination, and Family House stated that the woman’s weight “severely impaired her job performance.” In court, the company attempted to argue that the woman could perform her job tasks and was therefore not disabled. The court, however, conceded that the employee was disabled due to her diabetes, resulting from her obesity but unquestionably a disability. Furthermore, based on the supervisor’s comments, the company clearly interpreted her condition as a disability. Title I of the ADA prohibits employers from discriminating against persons with disabilities during any part of the employment process – from hiring to firing. It also states that a protected disabled individual is one that can perform basic duties of a job, with or without “reasonable accommodations.” In this case, the company’s



termination of the employee due to her weight violates the ADA by failing to reasonably accommodate her. In an application to the Social Security Administration to receive Social Security Disability Insurance (SSDI) benefits, the woman stated that her weight “began to interfere with her ability to work in 2002.” She further claimed a disability, which contradicted the EEOC claim that she had completed four days later. The court believed that estoppel would not apply in this particular instance. Estoppel would essentially penalize the EEOC’s case and prevent it from presenting its argument due to the conflicting information. As the EEOC had no part in the information the employee provided for the SSDI and EEOC forms, estoppel was not applicable. The company filed a motion for summary judgment in August of 2011 and a second motion in November. The U.S. District Court, Eastern District of Louisiana, acknowledged the probability of an ADA violation by noting a “genuine issue of material fact.” Both of Family House’s motions for summary judgment were denied.