

FIRED EMPLOYEE CLAIMS THAT ALCOHOLISM IS A DISABILITY



A woman working at the University of Texas Southwestern Medical Center (UTSMC) was fired, at least in part, for being inebriated while on the job. She sued her former employers, alleging that she was an alcoholic and that her alcoholism, for which she'd received treatment, was a disability. Consequently, UTSMC had violated the Americans with Disabilities Act (ADA). The plaintiff had worked as a program manager for more than a decade. She had been treated for alcoholism through the UTSMC's Employee Assistance Program (EAP). After her termination, she lodged a complaint with the Texas Workforce Commission and the EEOC (Equal Employment Opportunity Commission) and then filed a lawsuit against the medical center. Her initial charges cited Title I of the ADA for discrimination and Title V for retaliation. The UTSMC made a motion to dismiss the Title I claim, as a Supreme Court ruling held that Title I does not revoke sovereign immunity for state entities – which would include the medical center because it's part of a university. The district court agreed that Title I claims could not be heard in a federal court but allowed the plaintiff to modify her charge. She alleged a violation of Title II, which covers public entities, asserting that she was wrongfully excluded from the EAP. The court dismissed all claims with prejudice. The plaintiff appealed the



decision. The appeals court first examined the woman's claim that her alcoholism was a disability. The ADA's definition of "disability" states that an impairment must adversely affect a "major life activity." The plaintiff claimed as much but did not specifically name which "life activity" was affected. The court acknowledged that she may have been considered limited in her ability to perform her job, but she had not adequately shown that she was disabled. The woman further alleged that she was "qualified" to continue treatment with the medical center's EAP. But the EAP only provides services for employees, and the plaintiff, quite simply, was no longer employed at the UTSMC. Her argument claiming "discriminatory termination" contradicted her amended claim under Title II. If her termination was the reason for refusal of treatment, then it would clearly be a Title I violation, as Title II does not cover employment discrimination claims. Since the Title I claim had already been dismissed, it could no longer be used as part of the plaintiff's arguments. With regard to the retaliation claim, the woman asserted that her firing "disparaged" her to potential employers, but she failed to specify a "protected activity" marred by retaliation. The court saw no causal link between her complaints with either Commission and her termination. Furthermore, the court noted that the retaliation was related to complaints of a failure to accommodate her reputed disability. The woman, however, had only complained of no accommodation after she was fired. Prior to her termination, the UTSMC was indeed accommodating her by allowing her treatment through the EAP. The appeals court affirmed the district court's dismissal of all charges.