

## EMPLOYMENT DISCRIMINATION LAWSUIT DISMISSAL REVERSED



The Supreme Judicial Court in the state of Maine has recently made the decision to reverse the dismissal that was once made for a lawsuit in which employment discrimination was alleged against a nursing home in the area of Milbridge. The lawsuit that was actually filed in the Washington County area states that one particular nursing home, the Narraguagus Bay Health Care Facility, did not accommodate an employee who was injured on the job. The employee, Timothy Daniels, worked as a maintenance manager and was injured on the job. However, Daniels believed he was not treated fairly due to his injury and then chose to file a complaint against the nursing home, the place in which he worked. After the complaint was made, he ended up being fired. In the lawsuit that Daniels filed against the nursing home facility, Daniels made allegations that he was discriminated on at his place of work due to a disability. He also felt he received discrimination as a way for the facility to retaliate against him, specifically because he filed the complaint about feeling discriminated against due to his injury. When the lawsuit was originally dismissed, there was not enough information or evidence provided that would actually support the case. Daniels stated that he was injured on the job back in October of 2007. At that point, he ended up dealing with an injury on his right shoulder and ended up having to get a surgery several months later, during January of 2008. Because he needed the surgery, he had to take a few weeks off from work because of the recovery period after having such a surgery. His employers, however, did not seem to think so and ended up firing him after he filed a complaint. The complaint was sent to the Maine Humans Right Commission back in the late summer months of 2008. Daniels did get his job back but ended up becoming injured again in July of 2009. The injury was again related to his shoulder but the owner of the nursing home facility did not believe that he got the injury at work and instead believed he must have gotten the injury elsewhere. The owner of the nursing home facility, Dr. Steven Weisberger, also ended up writing an e-mail message to a separate employee, complaining of Daniels behavior and calling him lazy and a liability. Shortly after the e-mail message was sent, Daniels ended up being fired for what he says was retaliation. As far as Daniels was concerned, the residents seemed to adore him and the feeling was mutual because he cared for them too. Daniels believes that the owner of the facility simply wanted to get rid of him because of his injuries.

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