

COURT RULES THAT EMPLOYEE WITH DIABETES IS NOT DISABLED



A U.S. Court of Appeals recently upheld a district court's ruling that an employee with diabetes was not disabled. The U.S. District Court for the Eastern District of Louisiana had granted summary judgment in favor of the man's employer, against whom he had filed suit. An employee of the United States Parcel Service (UPS) had worked for the company for close to 28 years, the majority of that time in a supervisor or manager position. A Type II diabetic who requires insulin, he was working as a twilight hub manager in New Orleans, LA, five days a week, 2:00-10:00 pm each day. In the aftermath of Hurricane Katrina, he began experiencing numbness and pain, which his doctor believed was caused by stress. He requested a medical leave and received treatment for approximately four months, after which time his former position had been filled. The employee was assigned the midnight hub manager, which would include overnight hours. The man submitted an accommodation request, claiming that his doctors required him to work daytime hours to better manage his diabetes. His manager informed him that medical forms would need to be completed so that UPS could make a determination. Three months later, he submitted another letter with statements and reports from physicians. The general consensus was that the employee's condition would be better suited for daytime working hours, although a doctor that had treated him during his medical leave did not believe that his diabetic condition "substantially limited his ability to perform any major life activities other than working." UPS denied his request. The employee responded by retiring the following month. Approximately six months subsequent to his retirement, he filed a charge with the Equal Employment Opportunity Commission (EEOC), claiming discrimination. The EEOC did not investigate his charge in a timely matter and issued him a Right to Sue notice. He filed a complaint, citing that UPS had not supplied reasonable accommodations for his condition, as would be required by the Americans with Disabilities Act (ADA). The summary judgment was in favor of UPS, as the court did not believe that the employee was disabled under ADA guidelines. According to the ADA, an employer discriminating against a worker with a disability would entail "not making reasonable accommodations to the known physical or mental limitations of an otherwise qualified individual with a disability... unless such covered entity can demonstrate that the accommodation would impose an undue hardship on the operation of the business of such covered entity." The U.S. Court of Appeals affirmed the initial judgment. Determining whether an individual is "substantially limited" is handled on a case-by-case basis. Otherwise, as with this particular issue, any insulin-dependent diabetic would be disabled according to the ADA. The appeals court agreed that UPS had not failed to accommodate, as the employee had not adequately proven that he was disabled and consequently unable to perform his duties.