

APPEALS COURT REVERSES RULING ON ADA VIOLATION



A man had sued his former employers with a claim of ADA (Americans with Disabilities Act) violation. A federal district court granted summary judgment in favor of the company, but an appeals court recently reversed the decision. The man had been employed as a directional driller at Pathfinder Energy Services, Inc. for approximately two years. Prior to his employment at the company, he had been diagnosed with diabetes and fibromyalgia, the former condition of which Pathfinder was aware. There were no problems concerning his work, but a few months before his two-year mark, his health began to wane. He spoke to his supervisor and had his workload reduced to half of what he had previously handled. Two 10 to 12-day job assignments on a monthly basis were dropped to one assignment each month. His health continued to worsen, so much that he needed help with simple tasks such as dressing, laundry, shopping for groceries and showering. But due to the lessening of his workload, he was able to manage 24-hour shifts. One day, after completing a 10-day assignment, the employee was asked to work another job. He agreed, but then called his supervisor and said that he needed rest and wouldn't be able to work. He ultimately consented, but not before using an expletive and hanging up on his supervisor. On site, where rooms are provided for workers, there was a dispute between the man and his bunkmate over who was sleeping or would sleep on the lower bunk. The episode concluded with more coarse language from the employee. A few days later, the supervisor met with the employee and terminated his employment for "gross misconduct." The supervisor later testified that he had fired the employee for two reasons: the "altercation" with his co-worker over the bunks, and his language and abruptly ended the conversation with the supervisor over the phone. He further stated that other drillers were working 25 to 26 days per month, and he feared that they might quit if the employee was not fired. The month following his termination, the man was diagnosed with hepatitis C (though his says he experienced symptoms while still employed) and postural hypotension, a condition that causes a drop in blood pressure when standing up. The man filed a lawsuit, claiming a violation of the ERISA (Employment Retirement Income Security Act), later amending the claim to include an ADA violation. He also claimed a breach of an implied-in-fact employment contract, as he'd only signed an employment application and receipt of the employee handbook. A federal district ruled in favor of Pathfinder for all three claims. The U.S. Court of Appeals, Tenth Circuit, affirmed the ruling for the claims of ERISA violation and breach of contract. However, it reversed the court's decision on the ADA violation, believing that the man had supplied sufficient evidence to show that he had been fired due to his disability. The case was remanded for further proceedings.