

Sixth Circuit Rejects Dock Worker's ADA Claim

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Finds Worker's Obesity Is Not A Protected "Impairment"

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Stephen Grindle was employed by Watkins Motor Lines (WML) as a dock worker. This position involved climbing, bending, balancing, reaching, and repeated heavy lifting. During his employment at WML, Grindle's weight ranged from 340 to 450 pounds.

In November of 1995, Grindle was injured on the job. As a result, he went on a leave of absence beginning January 22, 1996. Under company policy, employees on leave for more than 180 days are terminated. To return to work, an employee must have a doctor's release and may be asked to take a physical examination.

When Grindle's 180 days had nearly expired, his doctor gave him a return to work release. WML rejected the release because his doctor had not reviewed Grindle's job duties prior to signing the document. The company sent him a list of Grindle's job duties and another release but that form was never returned.

Following an exam, the company's doctor concluded that Grindle could not safely perform the requirements of his job. Grindle was placed on safety hold and was later fired. The Equal Employment Opportunity Commission (EEOC) filed a lawsuit on Grindle's behalf. The trial judge dismissed the case and the EEOC appealed.

The EEOC argued that Grindle suffered from an actual impairment – morbid obesity – that was regarded, erroneously, as affecting his ability to perform his job. Since Grindle was pursuing a “regarded as” claim, the issue before the Sixth Circuit was whether non-physiologically caused morbid obesity is an ADA impairment.

The trial judge noted that morbid obesity may be an ADA impairment “where it has a physiological cause,” but held that non-physiological morbid obesity is not an “impairment” under the ADA. The Sixth Circuit agreed, noting that to hold otherwise would “extend ADA protection to all ‘abnormal’ physical characteristics” (such as someone who is extremely tall or grossly short). Because Grindle failed to show that he suffered from an ADA impairment, the Sixth Circuit affirmed the decision to dismiss the suit.

Practical Impact: According to Kathryn Caudle, an attorney in the firm’s Nashville office: “This decision should give Tennessee employers a certain level of comfort. In recent years, whether and to what extent obesity is a disability under the ADA has become a concern for employers. While not putting a huge roadblock on a slippery slope of obesity related claims under the ADA, the court’s physiological condition requirement presents a hurdle for potential ADA plaintiffs.”

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