

Anxiety Disorder: Court Finds No Disability Discrimination.

The US District Court for the Middle District of Pennsylvania reviewed the convoluted facts of an LPN's disability discrimination lawsuit against her former employer, a nursing home.

The LPN refused to give in to the facility's policy of mandatory overtime for all care-giving employees. She provided a letter from her psychiatrist verifying that she had a disability, an anxiety disorder, which made her prone to anxiety attacks.

The facility exempted her from mandatory overtime, but then let her go when she became pregnant and her physician would not permit her to lift more than ten pounds and she was not eligible for Family and Medical Leave Act leave because she had not been on the job a year.

The Court will assume for the sake of argument that the facility terminated the LPN's employment because she refused mandatory overtime on the basis of a verified disability, her anxiety disorder.

Even if that is so, overtime was mandatory for all employees and one employee's inability to work overtime would be a legitimate, non-discriminatory reason for terminating that employee's employment.

UNITED STATES DISTRICT COURT
PENNSYLVANIA
April 12, 2011

The evidence presented in court by the LPN did not make it exactly clear why she was terminated. Even if it was because of her disability her employer had a legitimate, non-discriminatory reason behind the action that it took, the Court said. Dulina v. Hometown Nursing and Rehab, 2011 WL 1376242 (M.D. Pa., April 12, 2011).