

Discrimination: Nurse’s Suit Over Husband’s Medical Bills Thrown Out.

In 2008 the US Court of Appeals for the Seventh Circuit upheld a nurse’s right to sue her employer for so-called “association discrimination.”

The Court of Appeals ruled the hospital violated the nurse’s rights under the US Americans With Disabilities Act as a person who had an association with a disabled person, assuming the nurse could prove the hospital terminated her because of the escalating costs of her husband’s cancer treatments which were being paid by the hospital’s employee medical benefit plan.

See *Association Discrimination: Nurse Fired Over Spouse’s Medical Bills Has Right To Sue*. Legal Eagle Eye Newsletter for the Nursing Profession, (16)4, Apr. ‘08 p.5.

A groundbreaking court decision in 2004 was the first application of the concept of “association discrimination” to the scenario where an employee is fired because the employee’s spouse has a chronic disability that is costing the employer’s self-insured health plan significantly more than the employer wants to budget.

UNITED STATES COURT OF APPEALS
SEVENTH CIRCUIT
February 27, 2008

The case was sent back to the lower Federal court, the US District Court for the Central District of Illinois.

The District Court then ruled the hospital, in fact, had other, non-discriminatory reasons for firing the nurse.

The case went back again before the Seventh Circuit Court Appeals where the District Court’s most recent ruling was affirmed on appeal. ***Dewitt v. Proctor Hosp.***, 2010 WL 2465028 (7th Cir., June 16, 2010).