

## Sleep Deprivation: Court Nixes Night Nurse's Disability Discrimination Lawsuit.

A night-shift nurse assigned to the hospital's cardiac step-down unit sometimes was in charge, but on the night in question was scheduled as a staff nurse.

When he came on duty he reported to his supervisor that he was ill with a migraine headache and was having heart palpitations. He wanted to go to the E.R. for treatment but was ordered instead to start working his assigned shift on the unit.

During the night he provoked a physical altercation with a co-worker and then left the unit early in the morning without completing his charting. He was fired.

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*Being able to sleep only two to four hours a day lacks the kind of severity required for an ailment to rise to the level of a substantial impairment of a major life activity.*

*Simply put, even though the nurse's sleep impairment was corroborated by his personal physician's testimony, it is not a disability under the Americans With Disabilities Act.*

UNITED STATES COURT OF APPEALS  
SIXTH CIRCUIT  
December 22, 2009

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The US Court of Appeals for the Sixth Circuit threw out the disability discrimination lawsuit the nurse filed against his former employer.

Sleep deprivation from being able to sleep only a few hours on days he worked nights, even if it did explain his unacceptable behavior, is not a disability.

Not having a legally-recognized disability, the nurse was not able to sue for disability discrimination. [Simpson v. Vanderbilt Univ. Hosp.](#), 2009 WL 4981684 (6th Cir., December 22, 2009).