

11.14: Case Study: Resources for Human Development Settles EEOC Disability Suit for \$125,000

Court Upholds Severe Obesity as an ADA-Protected Impairment

NEW ORLEANS – Resources for Human Development, Inc. (RHD), doing business as Family House of Louisiana, a treatment facility for chemically dependent women and their children, will pay \$125,000 to settle a disability discrimination suit filed in September 2010 by the U.S. Equal Employment Opportunity Commission (EEOC), the agency announced today.

The court-approved settlement resolves the charge of Lisa Harrison, who worked as a prevention/intervention specialist at RHD's Family House facility in Louisiana from 1999 until she was fired in September of 2007. In its suit, the EEOC charged that RHD violated the Americans With Disabilities Act (ADA) when it fired Harrison because of her disability, severe obesity, even though she was able to perform the essential functions of her job. Before the EEOC filed suit, Harrison died.

During the litigation, the court denied both of the defendant's motions for summary judgment in an order holding that severe obesity is an impairment within the meaning of the ADA. *EEOC v. Resources for Human Development, Inc.*, --- F. Supp. 2d ---, 2011 WL 6091560 (E.D. La. Dec. 2011) ("severe obesity qualifies as a disability under the ADA"). The court concluded that severe obesity may qualify as a disability regardless of whether it is caused by a physiological disorder, rejecting RHD's argument to the contrary.

The EEOC had offered the expert testimony of a renowned obesity researcher that Harrison's obesity was the result of a physical disorder or disease, and was not caused by lack of character or willpower. But the court reasoned that "neither the EEOC nor the Fifth Circuit have ever required a disabled party to prove the underlying basis of their impairment."

"All people with a disability who are qualified for their position are protected from unlawful discrimination," said EEOC General Counsel David Lopez. "Severe obesity is no exception. It is important for employers to realize that stereotypes, myths, and biases about that condition should not be the basis of employment decisions."

Jim Sacher, regional attorney of the EEOC's Houston District Office, which includes the New Orleans Field Office in its jurisdiction, added, "Employers cannot rely on unfounded prejudices and assumptions about the capabilities of severely obese individuals. Despite performing her job for years, Ms. Harrison was terminated without warning and without any evidence that she could not perform the essential functions of her position. This case highlights the fact that severely obese people who can do their jobs are every bit as protected by the ADA as people with any other qualifying disability. Any notion that these individuals are not protected, based on the wrongheaded idea that their condition is self-inflicted, is simply wrong and without legal basis."

Under the court-ordered consent decree settling the suit, which was entered on April 10, 2012, by Judge Ivan Lemelle (*EEOC v. Resources for Human Development, Inc.*, d/b/a Family House of Louisiana, Case No. 2:10-cv-03322 in U.S. District Court for the Eastern District of Louisiana), the company will provide annual training on federal disability law to all human resources personnel and corporate directors of RHD nationwide. RHD will also report to the EEOC for three years on all complaints of disability discrimination and all denials of a request for reasonable accommodation of a disability. The nationwide training and reporting will benefit RHD's employees in its more than 160 programs, as well as applicants who seek employment with the company. RHD will also name a children's room at the Family House facility, and permanently install a memorial plaque, in honor of Harrison, who taught at the facility for almost eight years.

Harrison's sisters, Dory Davis and April Duong, said about their sister, "She worked tirelessly for the Family House and was loved by everyone whose lives she touched. Our hope is that this case will prevent other employees from having to endure the hardship that Lisa experienced."

According to company information, Family House Louisiana is a long-term residential treatment facility for chemically dependent women and their children. RHD, a non-profit Pennsylvania corporation doing business in Louisiana, has many facilities and employs over 4,000 people, and oversees more than 160 programs in 14 states.

The EEOC was represented in the case by trial attorneys Tanya L. Goldman, Gregory T. Juge, and Camille A. Monahan.

The EEOC enforces federal law prohibiting employment discrimination. Further information is available on its website at www.eeoc.gov.

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