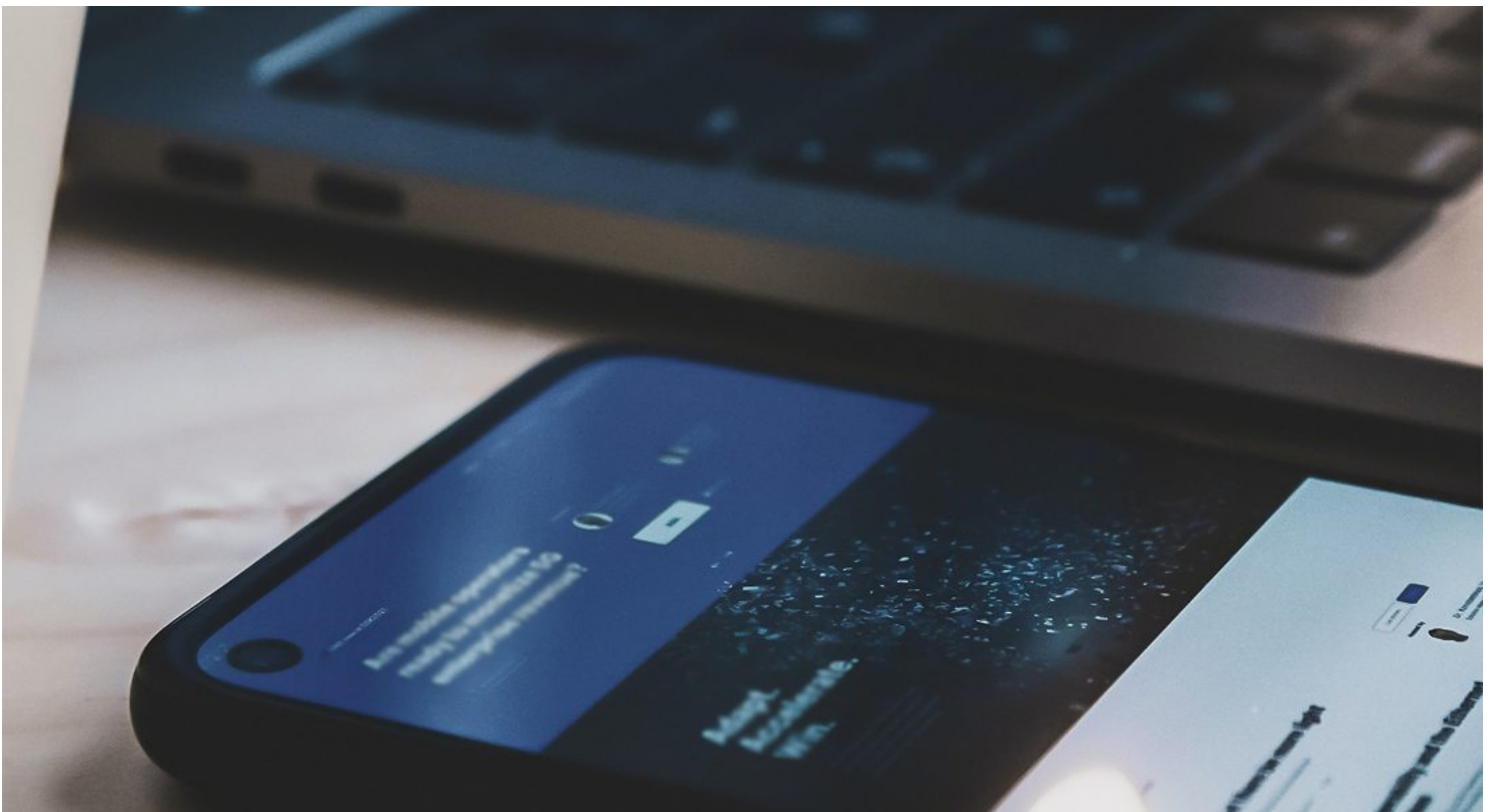


NEWS & INSIGHTS

Court Reinforces that Employers Must be Aware of Associational Discrimination Claims Under the ADA

[INSIGHTSLEGAL UPDATE](#)

OCTOBER 14, 2019



The 2nd U.S. Circuit Court of Appeals recently revived a plaintiff's associational discrimination claims under the Americans with Disabilities Act (ADA) in a case involving his demotion and termination after a schedule change request to care for his disabled daughter. The plaintiff, John Kelleher, worked as a truck operator in March 2015 when his daughter was diagnosed with a neurological disorder. Kelleher requested a schedule change from his supervisor to assist in her care. The request was denied, and Kelleher was advised that "his problems at home were

not the company's problems." After missing work several days later when his daughter suffered a severe seizure, Kelleher was demoted and subsequently terminated.

Kelleher sued under the ADA, asserting associational discrimination based on his daughter's disability. The District Court dismissed the claims on the basis that Kelleher had no right to accommodation and that the employer had sufficient non-discriminatory bases for the adverse employment actions. On appeal, the Second Circuit reinstated Kelleher's claims, finding that although the ADA "does not require an employer to provide a reasonable accommodation to the nondisabled associate of a disabled person, an employer's reaction to such a request for accommodation can support an inference that subsequent adverse employment action was motivated by associational discrimination." The court found the comments made by Kelleher's supervisor after his initial request for accommodation supported an inference that his termination was motivated by associational discrimination.

Takeaways for Employers

Employers must be mindful of the narrow distinction at play here: the ADA does not require employers to provide a reasonable accommodation to a person without a disability due merely to that person's association with someone with a disability. However, the ADA prohibits employers from making adverse employment decisions based on unsubstantiated concerns about the known disability of an employee's family member or associate.

Saxton & Stump attorneys [Morgan Hays](#) and [Rick Hackman](#) are available to discuss how our [Labor and Employment Law Group](#) can help ensure your organization's compliance with the ADA.

Related People

[Richard L. Hackman](#)

Related Services and Industries

[Labor and Employment](#)