



Portfolio Media, Inc. | 111 West 19th Street, 5th floor | New York, NY 10011 | www.law360.com
Phone: +1 646 783 7100 | Fax: +1 646 783 7161 | customerservice@law360.com

AT&T Wins Disability Discrimination Suit At 6th Circ.

By **Melissa Daniels**

Law360, Los Angeles (August 3, 2016, 6:07 PM ET) -- A Sixth Circuit panel on Tuesday declined to revive a lawsuit against AT&T Corp. from a former BellSouth Telecommunications employee alleging that he was discriminated against because of a disability, saying a lower court properly tossed the case.

Stephen Meade was terminated from his longtime job in 2013 as a technician after he was diagnosed with a blood clot in his left leg. BellSouth had moved Meade to a temporary position before terminating him, and had also provided information about a job bank, but Meade claimed that his firing violated the Americans with Disabilities Act.

The Sixth Circuit on Tuesday said BellSouth had no requirement to create a permanent light-duty job for Meade, or offer him another job with his previous department.

"BellSouth was not required to violate the process dictated by the collective-bargaining agreement and offer Meade jobs for which he never applied," the panel said. "Accordingly, the district court appropriately granted summary judgment to BellSouth on Meade's reasonable-accommodation claim because none of Meade's proposed accommodations are reasonable."

The opinion affirmed the lower court decision tossing out both of Meade's claims — discrimination under the Americans with Disabilities Act and intentional infliction of emotional distress.

Meade's case was originally brought in state court and moved to Kentucky federal court in September 2014. He had worked for AT&T since 1977, and in August 2010 suffered a work-related injury that left him with a blood clot in his left leg. He returned to work on light duty in 2011, as he was unable to continue his work as a facility technician that involved more physical labor.

Meade claims he was fired and though he requested to stay in the same job he had been performing, the company instead sent him information about a Partnership Job Bank to find a new position. Meade argued that the company did not make any attempt to accommodate his restrictions in this process. He also claimed he suffered emotional distress, alleging that the supervisor who terminated him made a joke about his disability.

BellSouth got the claims tossed with a motion for summary judgment in November 2015 and Meade appealed to the Sixth Circuit, saying the lower court erred as there were significant, genuine issues of material fact that still existed, such as the time of the notice of his termination, the accommodation that was presented conditionally, and statements from a new supervisor that he alleged were degrading.

But BellSouth said the district court was correct to toss the case, saying it was undisputed that BellSouth accommodated Meade's disability at the outset, and that the accommodations Meade subsequently sought from the company

were unreasonable. The company argued that he did not present evidence of emotional distress.

The Sixth Circuit said that the ADA does not require employers to accommodate individuals by shifting their job functions on to others or hiring new employees to perform certain functions of a job that the current employee cannot perform. As such, Meade's proposal that BellSouth keep him in the temporary position was not a reasonable accommodation, the panel said.

The panel also said that Meade couldn't prove his emotional distress claim.

"Meade's concern is with a single 'joke' that, at most, was an inappropriate comment on his inability to work outside in the cold," the panel wrote. "But an isolated insult such as that is not sufficiently outrageous to support a claim for the intentional infliction of emotional distress."

An attorney for Meade and a spokesperson for AT&T did not immediately respond to requests for comment on Wednesday.

Marty Richter, a spokesman for AT&T said "we comply with the law, including employment laws, and we're pleased with the ruling."

U.S. Circuit Judges Ralph B. Guy, Danny J. Boggs and Karen Nelson Moore sat for the panel.

Meade is represented by Brian N. Thomas of Grant Rose & Pumphrey.

AT&T Corporation and BellSouth Telecommunications are represented by Yendelela Neely Anderson of AT&T.

The case is Stephen H. Meade v. AT&T Corp. et al., case number 15-6362, in the U.S. Court of Appeals for the Sixth Circuit.

--Editing by Bruce Goldman.