

## **Medication Prevents Claim Under the Americans With Disabilities Act**

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The Americans With Disabilities Act (ADA), applies where an employee suffers from a permanent disability as a result of an injury or illness. An individual with a disability is a person who has a physical or mental impairment that substantially limits one or more major life activities. A qualified employee with a disability is an individual who, with or without reasonable accommodation, can perform the essential functions of the job in question. A reasonable accommodation may include, but is not limited to making existing facilities used by employees readily accessible to and usable by persons with disabilities, job restructuring, modifying work schedules or reassignment to a vacant position.

Recently, an Illinois Federal Court addressed the issue of whether a flight attendant whose depression is controlled by medication has a disability as defined by federal employment law. The lawsuit alleged that the employer violated the ADA when it denied the employee's request for intermittent medical leave and then terminated her for unapproved absences from work. The ADA defines a disability as a physical or mental impairment "that substantially limits one or more major life activities." The nature of the limitation is not considered with reference to a specific job, but in light of what most people do in their daily lives. The Court found that the plaintiff could not establish that her depression constituted a disability since an individual's condition as it exists after corrective or mitigating measures are used to combat the impairment is considered when determining whether that individual is disabled. In the plaintiff's case, medication enabled her to perform tasks that the average person can perform since the plaintiff admitted that when she is on her medication, her depression did not interfere with her ability to travel, clean her house, use a computer or participate in other physical activities. Significantly, she admitted that when on medication her depression did not prevent her from working. The Court found that her testimony leaves no doubt she is able to perform the tasks central to most people's life which is fatal to her claim that she is disabled within the meaning of the ADA. For additional employment information, please visit our web site at <http://www.joettedoran.com>

*This article is not intended as legal advice. You should consult with an attorney for individual advice regarding your own situation.* **MS. DORAN IS LICENSED IN ILLINOIS, ADMITTED TO ALL ILLINOIS FEDERAL COURTS AND THE UNITED STATES SUPREME COURT. SHE IS A MEMBER OF THE FEDERAL TRIAL BAR AND IS THE PAST CHAIRPERSON OF THE EMPLOYMENT LAW COMMITTEE FOR THE NORTHWEST SUBURBAN BAR ASSOCIATION, A PAST PRESIDENT OF BARRINGTON AREA PROFESSIONAL WOMEN AND A MEMBER OF THE NATIONAL EMPLOYMENT LAWYERS ASSOCIATION.**