7th Circuit: Medical Evidence of Employee's Physical Limitations Not Required

1/21/2011 By Briana L. Seagriff

An employee seeking an accommodation under the Americans with Disabilities Act (ADA) is not required to provide medical evidence that he is substantially limited in a major life activity, according to the 7th U.S. Circuit Court of Appeals.

The Equal Employment Opportunity Commission (EEOC), on behalf of former employee John Shepherd, sued AutoZone Inc. alleging discrimination under the ADA. AutoZone had employed Shepherd from 1999 to 2004 as a sales manager in Macomb, Ill. In 2005, AutoZone terminated Shepherd's employment after he was on involuntary medical leave for over a year. The EEOC argued that AutoZone had discriminated against Shepherd when AutoZone failed to accommodate Shepherd's physical limitations.

As a sales manager, Shepherd was required to work with customers and engage in an array of manual tasks, including routine cleaning, maintenance of the store, stocking shelves and moving merchandise. A nonwork-related back injury limited Shepherd's ability to carry out activities requiring physical exertion. If required to lift things, twist or rotate his torso, Shepherd experienced debilitating pain in the form of "flare-ups." During these flare-ups, Shepherd experienced headaches that could lead to vomiting, the swelling of his neck and back, and profuse sweating.

After several medical leaves of absence, Shepherd's doctor ultimately authorized him to return to work, but with increased medical restrictions. AutoZone refused to allow Shepherd's return and kept him on medical leave until terminating him in February 2005.

The trial court ruled for AutoZone, finding that Shepherd was not substantially limited in the major life activity of caring for himself, and thus could not be considered disabled under the ADA. On appeal, the 7th Circuit considered not whether Shepherd was disabled, but whether a reasonable jury could conclude that Shepherd was disabled under the ADA and whether medical evidence was required to establish his disability.

Applying the pre-Amendments Act version of the ADA, the 7th Circuit acknowledged that caring for oneself has "long been recognized" as a major life activity under the ADA. In determining whether Shepherd was substantially limited in caring for himself, the court considered the nature and severity of his impairment, its duration or expected duration, and the permanent or long-term impact of the impairment.

Both Shepherd and his wife had testified that Shepherd had difficulty dressing himself, bathing four or five days each week, tying his shoes, and brushing his teeth and hair. AutoZone argued that even if Shepherd's condition was limiting, it was not "substantially" limiting because it was only episodic or sporadic. Dismissing this argument, the court stated that Shepherd's limitations "in his self-care every day or almost every day" were not isolated and are not similar to "temporary limitations" such as broken legs or appendicitis.

Significantly, the 7th Circuit refused to construe the ADA to require an employee to provide medical evidence of his or her substantial limitations. To prove his or her disability, an employee is instead only required to offer evidence that his or her impairment, "in terms of [his or her] own experience," causes the substantial limitation. Nothing in the ADA or its regulations requires medical testimony to prove one's disability.

Equal Employment Opportunity Commission v. AutoZone Inc., 11th Cir., No. 10-1353 (Dec. 30, 2010).

Professional Pointer: This case presents a reminder to employers of how important it is to facilitate an effective interactive process between them and employees seeking protection under the ADA. Regardless of whether an employee provides medical evidence of his or her disability, in order to adequately assess what type of accommodation is necessary and reasonable, a prudent employer will discuss with the employee whether his or her condition and the condition's ramifications (i.e., work restrictions) are well-documented by medical professionals.

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Editor's Note: This article should not be construed as legal advice.

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