

## Morbid Obesity Not a “Disability”

### Equal Employment Opportunity Commission v. Watkins Motor Lines, Inc., September 2006

**Sixth Circuit upholds district court’s holding that morbid obesity, not related to any physiological cause, is not an impairment under the ADA.**

#### **FACTS**

The plaintiff, Steven Grindle, was hired by Watkins Motor Lines as a driver/dock worker. Grindle spent approximately 65% of his time performing dock work including loading, unloading and arranging freight. Grindle’s job required climbing, kneeling, bending, stooping, balancing, reaching, and repeated heavy lifting. Grindle sustained an on-the-job injury and took leave of absence from work. At the time of his leave, Grindle weighed between 350 to 450 pounds.

Under the company’s policy, employees on leave had to present a return to work form at the completion of their leave and the leave period could not exceed 180 days. The company also could require the employees to take a physical exam.

Grindle sought to return to work shortly before the end of 180 days; however, he failed to provide a company approved return to work form and he failed his physical exam. Grindle was eventually terminated because he was unable to return to work before the expiration of 180 days. Grindle sued the company under the Americans with Disabilities Act alleging that he was discharged because of his weight.

#### **LEGAL ANALYSIS**

The district court dismissed Grindle’s claim, holding that that non-physiological morbid obesity is not an “impairment” under the ADA. The ADA defines a physical impairment as “any physiological disorder or condition, cosmetic disfigurement...affecting one or more of the following body systems...” The Sixth Circuit affirmed the district court’s holding, stating that physical characteristics must relate to a physiological disorder to qualify as an ADA impairment. The Sixth Circuit declined to extend ADA protection to all “abnormal” physical characteristics, such as morbid obesity, noting that a contrary ruling could possibly provide individuals with a cause of action for discrimination based on appearance, size, and a number of other conditions not intended to be covered by the statute.

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