



Terminated Employee with Bipolar Disorder Awarded \$315,000 in ADA Case

Nick Birkenhauer
nbirkenhauer@dbllaw.com

Employers must be mindful that the Americans with Disabilities Act (ADA) applies to a wide range of both physical and mental conditions, as a March 29 decision from a Washington federal court makes clear. The case is one of the first disability discrimination lawsuits taken to trial concerning bipolar disorder.

The plaintiff in the case, a store manager of a payday lender, alleged that he was fired because of his disability, bipolar disorder. The judge held that the employer's reasons for terminating the plaintiff were a pretext for discrimination, and that the employer had in fact fired him because it regarded him as too disabled to work.

The evidence showed that the employer denied the plaintiff's request for a short medical leave to adjust to new medication prescribed by his doctor to treat his condition. The employer fired him just days after his need for sick leave first arose.

Following a four-day bench trial, the judge awarded the plaintiff \$6,500 in back wages and \$50,000 for emotional pain and suffering, as well as \$258,018.94 for attorney fees and costs.

The case serves as an important reminder to employers that coverage under the ADA includes relatively common mental health conditions. According to the National Mental Health Association, over 2.3 million Americans suffer from bipolar disorder.

The case is *Equal Employment Opportunity Commission v. Cottonwood Financial Ltd.*, 2:09-cv-05073, in the U.S. District Court for the Eastern District of Washington.