



PRESS RELEASE

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Beverage Distributors Company Sued by EEOC for Disability Discrimination

Company Refuses to Hire Applicant Because He Is Legally Blind, Federal Agency Charges

DENVER – Beverage Distributors Company in Colorado intentionally and unlawfully discriminated against an applicant for hire due to his disability, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit filed September 29, 2011.

According to the EEOC's lawsuit, Michael Sungalia, who is legally blind, worked for Beverage Distributors for over four years as a driver's helper. When the company decided to eliminate this position and use contract laborers instead, Sungalia applied for a position as a night warehouse loader. Beverage Distributors offered him the position subject to a pre-employment medical examination. Following the medical examination, Beverage Distributors withdrew the job offer believing that Sungalia could not safely perform the functions of the position due to his poor eyesight. According to the EEOC's complaint, the position involves loading cases of liquor and kegs of beer into the back of trucks, which the EEOC contends that Sungalia could safely perform.

The EEOC filed the lawsuit (*EEOC v. Beverage Distributors Company*., Case No. 11-cv-02557) in U.S. District Court for the District of Colorado after first attempting to reach a pre-litigation settlement through its conciliation process. The suit seeks monetary damages, including back pay, compensation for emotional distress and punitive damages. The EEOC also seeks injunctive relief prohibiting further discrimination by the employer and mandating corrective action, including hiring Sungalia into a night warehouse loader position.

"An employer cannot deny an applicant a position based on its generalized fears about risks from the employment environment," said EEOC Regional Attorney Mary Jo O'Neill. "Rather, an employer must analyze the nature and severity of the potential harm and whether the harm would likely occur. In addition, the employer must consider whether there are any reasonable accommodations that would eliminate the risk."

EEOC Denver Field Office Director Nancy Sienko added, "The unemployment rate for people with a disability is well above the figure for those with no disability. This nation has committed to making accommodations in the workplace so individuals with disabilities can work and contribute to society."

The EEOC is responsible for enforcing federal laws against employment discrimination. Further information about the EEOC is available on its website at www.eeoc.gov.