

The U.S. Equal Employment Opportunity Commission

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MEMPHIS JURY RETURNS VERDICT AGAINST NORTHWEST AIRLINES IN EEOC DISABILITY CASE ON BEHALF OF DIABETIC APPLICANT

MEMPHIS - A federal jury in the U.S. District Court for the Western District of Tennessee returned a verdict in favor of the U.S. Equal Employment Opportunity Commission (EEOC) and the Plaintiff-Intervenor, Kevin Armstrong (Armstrong), in a lawsuit brought by the Agency on behalf of Armstrong, an insulin-dependent diabetic applicant for the position of equipment service employee (ESE or baggage handler) at the Northwest Airlines hub in Memphis, Tennessee. The suit was brought by the EEOC under Title I of the Americans with Disabilities Act of 1990 (ADA).

The jury awarded the EEOC and the Plaintiff-Intervenor, for the benefit of Armstrong, \$19,250 in compensatory damages and \$21,000 in back pay.

According to the EEOC, Armstrong applied for the ESE position in May 1998. He was issued a conditional job offer on May 9, 1998, and passed his pre-placement physical in Memphis on May 13, 1998. Later, Northwest Airlines' contract physician located in Minnesota learned that Armstrong was an insulin-dependent diabetic and then withdrew job offer.

The Commission filed suit on September 27, 2000, after exhausting its efforts to reach a voluntary pre-litigation settlement. The judge in the case was District Judge Jon P. McCalla. The jury rejected Northwest Airlines' defense that Armstrong posed a direct threat to himself or others because his insulin-dependent diabetes was poorly controlled.

The EEOC was represented by Supervisory Trial Attorney Faye Williams and Senior Trial Attorney Deidre Smith, both of the agency's Memphis District Office.

Katharine Kores, EEOC Acting District Director in Memphis, said: "The verdict in this case should remind all employers that hiring decisions should be based on the applicant's real abilities and not stereotypical ideas about an applicant's disability."

The EEOC enforces Title VII of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, religion, sex, or national origin; the Age Discrimination in Employment Act, which prohibits employment discrimination against individuals who are 40 years of age or older; the Equal Pay Act; Sections of the Civil Rights Act of 1991; Title I of the Americans With Disabilities Act, which prohibits discrimination against individuals with disabilities, and laws pertaining to disability discrimination in the federal sector. Further information about the Commission is available on its web site at www.eeoc.gov.

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