

The ADAAA Strikes Again: Fourth Circuit Finds that Employee's Simple, Temporary Knee Injury was w Disability

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In a first-of-its-kind decision at the federal appellate level, the Fourth Circuit last week decided whether a temporary, non-recurring impairment can be a disability under the ADA as amended by the 2008 ADA Amendments Act (ADAAA). Unsurprisingly, the court found that it could.

Specifically, relying on Congress's command in the [ADAAA](#) that the law "be interpreted as broadly as its text permits," the judges found that an employee's 7-month recovery from a knee injury was a disability that his employer had a duty to accommodate.

The facts of the case, [Summers v. Altarum Institute, Corp., No. 13-1645 \(4th Cir. Jan. 23, 2014\)](#), are simple: an employee on his way to work lost his footing on a train platform and fell, badly injuring his knee. His doctor prescribed surgery, medication, and therapy, and advised that he would not be able to walk for at least seven months. The employee requested that he be permitted to work remotely and part-time during his recovery. He was suddenly terminated shortly thereafter, and he quickly filed suit alleging that the employer had violated his rights as a disabled person under the ADA. The federal district court dismissed the case, however, finding that the employee's temporary condition did not render him disabled under the ADA. He appealed to the Fourth Circuit.

The panel of Fourth Circuit judges reversed the district court and remanded the case for trial. The judges first observed that one of Congress' primary goals in passing the ADAAA was to reverse a trend in cases (most notably, the Supreme Court's 2002 decision in [Toyota Motor Manufacturing, Inc. v. Williams](#)) that, the Congress felt, had set an "inappropriately high level of limitation necessary to obtain coverage under the ADA." The judges also noted that the EEOC had revised its regulations as well to expressly state that a "sufficiently severe" impairment "lasting or expected to last fewer than six months" could qualify an individual for ADA protection. The panel also cited an example of these principles provided by the EEOC:

[I]f an individual has a back impairment that results in a 20-pound lifting restriction that lasts for several months, he is substantially limited in the major life activity of lifting, and therefore covered under the first prong of the definition of disability.

The court, therefore, found that, even though it was “the first appellate court to apply” this expanded ADA definition, its decision was easy: “the absence of appellate precedent presents no difficulty in this case: [the employee] has unquestionably alleged a disability under the ADAAA.” If “a person who cannot lift more than twenty pounds for ‘several months’ is sufficiently impaired,” the Court concluded, “it seems clear that the serious impairment alleged by [this employee] is severe enough to qualify” as well.

The Fourth Circuit is probably correct that, under the ADAAA, this was an easy case. Still, the decision provides a clear (and troubling) illustration of the reshaped landscape in ADA law — any condition, even one lasting a matter of months and only causing limited impairment, is a disability. Employers should (must!) conduct themselves accordingly.

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ADA, Disability