

Trucking Company did not Violate ADA or the FMLA when it Fired an Alcoholic Driver

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An employee worked for a trucking carrier for several years before he was diagnosed with alcoholism in 2010 and sought leave to obtain treatment. The employee's request for leave was approved. After being out of work for approximately one month, the employee sought to return to work. The trucking carrier decided that the employee was no longer qualified to be a commercial motor vehicle driver, pursuant to applicable regulations and company policy. As such, the employee's employment was terminated.

The Department of Transportation's ("DOT") regulations prohibit anyone with a "current clinical diagnosis of alcoholism" from driving commercial motor vehicles. 49 C.F.R. § 391.41(b)(13). In addition, the trucking carrier had a company policy prohibiting the employment of anyone as a commercial motor vehicle driver if he or she had been diagnosed with alcoholism in the past five years.

The employee sued his employer, asserting claims under the Americans with Disabilities Act ("ADA") and the Family Medical Leave Act ("FMLA"), arguing that the trucking carrier discriminated against him due to his disability — alcoholism — and that the trucking carrier interfered with his FMLA rights and retaliated against him for exercising his FMLA rights. The district court disagreed and granted summary judgment in favor of the trucking carrier. The U.S. Court of Appeals for the Eleventh Circuit affirmed.

The court held that the employee was not a "qualified individual" under the ADA because he was not physically qualified to drive under DOT regulations. The Court observed that it is the employer's burden to ensure that a driver meets all DOT physical qualification standards. 49 C.F.R. § 391.11(a). Because the DOT does not permit anyone with a "current clinical diagnosis of alcoholism" to drive, the employer must determine whether someone suffers from such a diagnosis. The trucking carrier determined that the employee was not physically qualified to drive a commercial motor vehicle, and neither the district court nor the Eleventh Circuit found fault with that conclusion.

The Eleventh Circuit also upheld the dismissal of the FMLA interference and retaliation claims. The employee's FMLA interference claim failed because he would have been discharged regardless of whether he took FMLA leave. The retaliation claim failed because he could not show that his termination was related to his FMLA leave.

This case is important to DOT-regulated employers as it shows that the courts will uphold an employer's judgment concerning a driver's physical qualifications to drive a commercial motor vehicle.

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