

Fat Chance

News

10.26.13

Partner Myra Creighton was quoted in the article “Employers Bear The Weight Of Obese Workers” on [Benefitspro.com](#) and she was also was quoted in the article “Fat Chance” in the October 2012 issue of *InsideCounsel*.

The article focused on the issue of whether obese people can claim protection under the Americans with Disabilities Act.

The Equal Employment Opportunity Commission says that the law protects people who are severely or morbidly obese. But some gray areas leave the question of just when obesity qualifies as a disability.

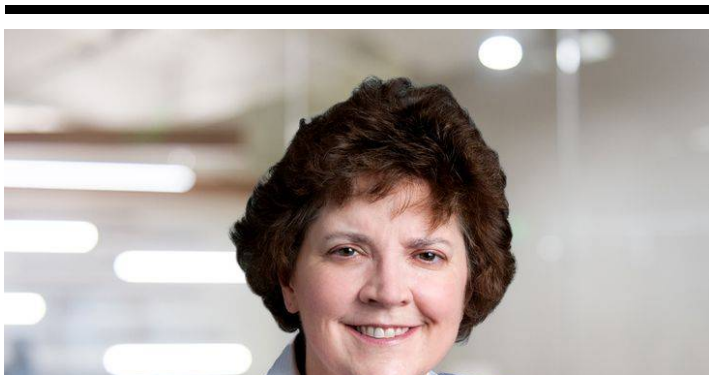
The Americans with Disabilities Act Amendments Act (ADAAA), which took effect in 2009, complicates the issue.

The ADAAA makes it easier for plaintiff’s to prove they have covered disabilities generally, and obesity-related disabilities are no exception.

Myra noted: “Certainly under the old law, someone who was merely obese or even morbidly obese would have difficulty showing he was perceived as disabled—that was a pretty high standard. Now there is a better argument for someone who is even moderately obese.”

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