



Obesity Can Be A Disability, Court Rules

News

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Jeff Weintraub was quoted in the *Wall Street Journal* article “Obesity Can Be A Disability, Court Rules.”

A federal district court ruled last week that obesity itself may be a disability, independent of an underlying physiological condition.

Judge Stephen N. Limbaugh, Jr. of the U.S. District Court, Eastern District of Missouri, Southeastern Division, told the publication that plaintiff Joseph Whittaker sued America’s Car-Mart Inc. on grounds that the company had terminated his employment because of his disability and threatened to terminate business with other entities.

Attorneys for the company had moved to dismiss the case. The judge rejected that argument, noting that it rested on case law applied before Congress passed the Americans with Disabilities Act Amendments Act of 2008, which “rejected the unduly restrictive approach” to determining whether a plaintiff suffered from a disability.

“I think we will see a lot more cases like this over the next few years,” said Jeff.

He explained that employers should probably assume that obesity, at least severe obesity, constitutes a disability regardless of whether there is an underlying physiological condition involved, and seek a reasonable accommodation if the disability interferes with job performance.

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