



# Coverage Under ADA Includes Relatively Common Mental Health Conditions

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Recently, U.S. District Judge Edward F. Shea ruled that Cottonwood, which does business as The Cash Store, violated the Americans with Disabilities Act and the Washington Law Against Discrimination when it fired manager Sean Reilly, who suffers from bipolar disorder, from its Walla Walla, Washington store. (*Equal Employment Opportunity Commission v. Cottonwood Financial Ltd.*, Case Number 2:09-cv-05073, U.S. District Court for the Eastern District of Washington)

Judge Shea held that Cottonwood's rationales for terminating Reilly were a pretext for discrimination and that Cottonwood had in fact fired Reilly because it regarded him as too disabled to work. He awarded Reilly \$6,500 in back wages and \$50,000 for emotional pain and suffering.

In addition to the judgment entered in favor of Reilly, Judge Shea entered judgment for the EEOC and issued a three-year injunction that requires Cottonwood to train its managers and human resources personnel on anti-discrimination and anti-retaliation laws. Judge Shea also awarded Reilly \$258,018.94 for attorneys' fees and costs on Tuesday.

Cottonwood hired Reilly as an assistant manager in June 2006 and promoted him the store manager role in October 2006, according to the EEOC. In January 2007, Cottonwood denied Reilly's request for a short leave to adjust to new medication prescribed by his doctor to treat his condition. Cottonwood fired Reilly in February 2007, just days after his need for sick leave first arose.

This case serves as an important reminder to employers that coverage under the ADA includes relatively common mental health conditions. According to the National Mental Health Association, over 2.3 million Americans suffer from bipolar disorder.