

Fired Sprint Worker's ADA Claim Gets Another Chance

By **Patrick Hoff**

Law360 (October 5, 2022, 3:03 PM EDT) -- A Maryland federal judge backtracked on his prior decision to throw out an Americans with Disabilities Act claim by a former Sprint employee with multiple sclerosis, saying he jumped the gun when he nixed her allegation that she was fired because of her disability.



An ADA claim by a former Sprint worker is back in play after a Maryland federal judge went back on an earlier decision to grant summary judgment to the cellphone carrier in a case alleging the worker was fired because of her multiple sclerosis. (iStock.com)

In a **15-page opinion** Tuesday, U.S. District Judge Richard D. Bennett granted Lynette Jackson's motion to reconsider granting summary judgment to Sprint/United Management Co. and T-Mobile US Inc., which merged with Sprint in 2020. Judge Bennett subsequently sided with Jackson's argument that he applied the wrong standards in his April decision and denied Sprint and T-Mobile's motion for summary judgment on the ADA discrimination claim.

The court **previously found** that Jackson's reliance on her own testimony doomed the claim, pointing to the Fourth Circuit's 1996 decision in *Evans v. Technology Applications & Services Co.* But Jackson argued that while her own testimony couldn't be direct proof of discrimination, it's enough to establish a prima facie case of discrimination using indirect methods of proof under the framework established by the U.S. Supreme Court in *McDonnell Douglas Corp. v. Green*.

"As the prima facie case is a 'relatively easy test,' Jackson's testimony should not have been discounted at the prima facie stage of the McDonnell Douglas analysis and may prove sufficient to survive summary

judgment under the unique facts of this case," Judge Bennett said.

He added that the facts of Jackson's case and the nature of her allegations are "critical" and distinct from the conclusory allegations addressed in Evans. For one, Judge Bennett said that while Sprint claimed that Jackson had repeated attendance and performance issues during her yearlong tenure, Jackson and several of her supervisors have testified that she was a good performer based on her sales records.

Judge Bennett said a jury could also reasonably infer that Jackson's termination was the result of unlawful discrimination based on assertions that she informed her managers of her multiple sclerosis shortly after she began working for Sprint and that colleagues treated her disability as a joke.

These claims, alongside a purported warning from her manager that taking medical leave to accommodate her condition would "stunt her growth" at Sprint, could raise an inference of disability bias, according to the opinion.

"She offers testimony based on personal experience, discussing specific alleged comments by her managers 'that a jury could credit as having been made and as evidence of discriminatory animus,'" Judge Bennett said. "Under the facts of this case and viewed alongside Jackson's evidence of FMLA retaliation, Jackson has successfully established a prima facie case for discriminatory treatment in violation of the ADA."

Judge Bennett held in April that Jackson's allegations that Sprint flouted the Family and Medical Leave Act by firing her in retaliation for taking leave could go before a jury, as well as her ADA retaliation claim since her FMLA leave request could be considered a request for reasonable accommodation.

Jackson claimed in her February 2021 suit that she'd performed well as a sales consultant while working at a Sprint store in Columbia, Maryland, between January 2018 and February 2019. However, just weeks after applying for intermittent FMLA leave — and only four days after using her approved leave — she was terminated, purportedly because of her work performance, according to the complaint.

Jackson said she had never received a poor performance review, but managers repeatedly told her that her need for time off because of her multiple sclerosis was a hindrance to the Sprint store.

Anisha Queen, who is representing Jackson, told Law360 that they "appreciate Judge Bennett's willingness to reconsider his previous decision and to recognize that a plaintiff's testimony regarding her employer's disparaging remarks about her disability is sufficient to meet her initial burden of proof."

"As a result of this decision, a jury will be able to fully compensate her and award her emotional distress and punitive damages," Queen said in a statement.

Representatives of Sprint and T-Mobile did not immediately respond to requests for comment Wednesday.

Jackson is represented by Anisha S. Queen and Andrew D. Freeman of Brown Goldstein & Levy LLP.

Sprint/United Management Co. and T-Mobile are represented by Ethan D. Balsam, Joseph B. Greener and Alison N. Davis of Littler Mendelson PC.

