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## Court: Depression controlled by medication is not a disability

By Patricia Manson  
Law Bulletin staff writer

A flight attendant whose depression is controlled by medication does not have a disability as defined by federal employment law, a judge has held.

U.S. District Judge Suzanne B. Conlon on Monday granted summary judgment in favor of United Airlines Inc. and UAL Inc. in a lawsuit brought by Elizabeth Anderson.

The suit claimed that United violated the Americans with Disabilities Act when it denied Anderson's request for intermittent medical leave and then fired her for unexcused absences from work.

In throwing out the suit, Conlon said Anderson's ADA claim "fails at the outset" because she did not show that her depression constitutes a disability.

The ADA defines a disability as a physical or mental impairment "that substantially limits one or more major life activities," Conlon said.

"The nature of the limitation is not considered with reference to a specific job, but in light of what most people do in their daily lives," Conlon wrote in a 10-page opinion, citing *Equal Employment Opportunity Commission v. Sears, Roebuck & Co.*, 417 F.3d 789 (7th Cir. 2005).

Citing *Branham v. Snow*, 392 F.3d 896 (7th Cir. 2004), Conlon said an individual's condition "as it exists after corrective or mitigating measures are used to combat the impairment" is considered when determining whether that indi-

vidual is disabled.

In Anderson's case, medication enables her to perform tasks that the average person can perform, Conlon said.

Conlon said Anderson testified in a deposition that when she is on her medication, her depression does not interfere with her ability to travel, clean her house, use a computer or participate in other physical activities.

Anderson's testimony also showed that her depression does not prevent her from working, Conlon said.

"She continues to search for employment and has not identified a *single* area foreclosed because of her depression," Conlon wrote.

Conlon said Anderson's testimony "leaves no doubt she is able to perform the tasks central to most people's lives."

And citing *Kampier v. Emeritus Corp.*, 472 F.3d 930 (7th Cir. 2007), Conlon said that testimony "is fatal to her claim she is disabled within the meaning of the ADA."

Conlon issued her ruling in *Elizabeth Anderson v. United Airlines Inc., et al.*, No. 09 C 3210.

Anderson is represented by Chicago attorney Scott Skaletsky of Skaletsky & Associates Ltd. United is represented by Chicago attorneys Nile N. Park and Samera Syeda Ludwig, both of Ungaretti & Harris LLP.

E-mail: [pmanson@lbpc.com](mailto:pmanson@lbpc.com)