

Alcoholic Was Not "Disabled" Under The ADA

Bailey sued claiming a violation of the Americans with Disabilities Act (ADA). The trial court granted summary judgment for the employer; the 1st Circuit affirmed.

Bailey was an alcoholic. He was generally able to fulfill his employment responsibilities. A small number of times he declined to come in on extra shifts because he had been drinking. Once he was sent home upon arriving at work because his supervisor thought he had been drinking, and this led to a "last chance" agreement. His off-work difficulties included several convictions for driving while intoxicated. After one such conviction he was sentenced to four months of incarceration. The employer denied his request to supervise him on a work release program. After Bailey used up all his vacation and sick leave, the employer discharged him for not being available for work.

The 1st Circuit used a three-step analysis to conclude that Bailey was not disabled under the ADA. (1) There must be an "impairment," and alcoholism qualifies as an impairment. (2) Bailey must identify a "major life activity," and he claimed that his alcoholism substantially limited the major life activity of "working." (3) The impairment must "substantially limit" the major life activity. This requires a "weighty showing" that he is "significantly restricted in the ability to perform either a class of jobs or a broad range of jobs in various classes as compared to the average person having comparable training, skills and abilities." Bailey's evidence showed that he had difficulties in one job, and these difficulties were "isolated and, for the most part, not momentous." His occasional inability to work overtime, and the single incident of being sent home for alleged drinking and being placed on a last chance agreement, did not substantially limit his ability to do his own job, much less a class or broad range of jobs. His incarceration was only short-term and therefore was not a substantial limitation.

Bailey v. Georgia-Pacific

[Read the case](#)

The 1st Circuit Court of Appeals' jurisdiction includes Maine, Massachusetts, New Hampshire, Puerto Rico and Rhode Island.

Source:HR Comply/Society for Human Resources Management (SHRM) website
<http://www.shrm.org/>
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