

The ADA Project

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LEGISLATION CLINIC

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Case Spotlight: Definition of Disability

Case Name: [Alexander v. Washington Metropolitan Area Transit Authority](#)
Citation: *Alexander v. Wash. Metro. Area Transit Auth.*, 826 F.3d 544 (D.C. Cir. 2016).
Date of Decision: June 24, 2016
Court: United States Court of Appeals, District of Columbia Circuit
Judge(s): Hon. Patricia Millett (author), Hon. Harry Edwards, & Hon. Laurence Silberman
Alleged Disability: Alcoholism
Prong(s) at Issue: Actual; Record of; & Regarded As

Background:

In 1999, the Washington Metro Area Transit Authority (“WMATA”) hired Carlos Alexander (“Alexander”) as an Automatic Train Control Mechanic Helper. *Alexander*, 826 F.3d at 545. In April 2007, after a supervisor smelled alcohol on Alexander’s breath, the supervisor suspended and referred him to WMATA’s Employee Assistance Program. *Id.* He later returned to work and was subsequently terminated after testing positive for alcohol again. *Id.* Alexander then completed an intensive alcohol dependency treatment program in 2010. *Id.* He subsequently reapplied to work at WMATA multiple times. *Id.* at 545-546.

WMATA never rehired Alexander. *Id.* at 546. After the first denial for a Communications Mechanic Helper position, Alexander filed a charge with the Equal Employment Opportunity Commission (“EEOC”) asserting a violation of the Americans with Disabilities Act (“ADA”). He alleged that WMATA failed to hire him based on his “prolonged alcoholism.” WMATA denied this allegation, claiming that Alexander was not rehired because he lied on a medical form and provided no proof that he completed the required Employee Assistance Program.

Alexander timely filed a complaint in district court under Section 504 of the Rehabilitation Act (“Rehab Act”) and the ADA (which he later dismissed). The district court granted WMATA summary judgment, finding that Alexander failed to show that he had a disability under the Rehab Act (which cross-references the ADA’s definition of disability, as amended by the ADA Amendments Act (“ADAAA”)). 29 U.S.C. § 794(d). Alexander appealed.

Holding:

In reversing the district court's grant of summary judgment to WMATA, the Circuit Court held that Alexander could show that his alcohol dependency was a disability under all three prongs of the definition of disability. The lower court used the wrong, pre-ADAAA standard in determining that alcoholism was not an actual disability that substantially limited at least one major life activity. Moreover, the district court disregarded the record of impairment prong—which Alexander had here—and failed to analyze whether he was regarded as having a disability.

Analysis Regarding “Actual Disability” (Prong 1):

The Circuit Court held that Alexander had presented sufficient evidence that his alcoholism was an actual disability under the first prong of the definition of disability. The statute defines actual disability as “a physical or mental impairment that substantially limits one or more major life activities[.]” *Id.* Relying on Alexander's testimony and supporting documentation from his doctor, the court held that Alexander had provided sufficient evidence that his alcoholism substantially limited his ability to sleep, care for himself, walk, concentrate, and communicate. *Alexander*, 826 F.3d at 546.

According to the Circuit Court, in evaluating whether Alexander's alcoholism substantially limited major life activities, the district court erroneously applied the pre-ADAAA definition, thereby “enforcing too strict a definition of the ‘substantially limits’ showing needed for Alexander's actual-disability . . . claim[.]” *Id.* at 550.

Analysis Regarding “Record of” Impairment (Prong 2):

The Circuit Court also held that the district court erred by “failing to consider at all” whether Alexander was “discriminated against . . . for having a ‘record of . . . impairment,’” *id.* § 12102(1)(B).” *Id.* at 547. According to the Circuit Court, Despite the lower court's finding to the contrary, Alexander specifically alleged that WMATA discriminated against him because of his known history of alcoholism, including the various medical reports that he disclosed to his employer over the course of several years regarding his treatment for alcoholism.

Analysis Regarding “Regarded As” (Prong 3):

The Circuit Court also held that the district erroneously failed to consider prong 3—the “regarded as” prong—of the definition of disability. According to the Circuit Court:

[A]fter the 2008 Amendments, the regarded-as prong has become the primary avenue for bringing [non-accommodation] . . . claim[s]. Critically, while the district court's decision relied heavily on what it deemed to be insufficient evidence that Alexander's alcoholism substantially limited any major life activity, the 2008 Amendments *eliminate any such requirement*

for a regarded-as claim. Instead, Alexander needed only to show that the Authority took ‘a prohibited action against [him] because of an actual or perceived impairment.’ 29 C.F.R. § 1630.2(l)(2). There is no dispute in this case that Alexander’s alcoholism is an ‘impairment’ under the ADA and the Rehabilitation Act . . . [and] Alexander came forward with sufficient evidence from which a reasonable jury could conclude that the Authority refused to hire him because of his alcoholism.

Id. at 547-48 (emphasis added).