

Is Severe Obesity A Disability Under The ADA? The Seventh Circuit Will Decide.

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**Douglas M.
Oldham**
Of Counsel

Advocates for the obese are arguing that the United States Court of Appeals for the Seventh Circuit should overturn a holding that obesity does not constitute a disability under the Americans with Disabilities Act (ADA). The case at hand started in March 2016, when former Chicago Transit Authority (CTA) bus driver Mark Richardson sued the CTA for violation of the ADA, claiming he was discriminated against because of his severe obesity. The CTA moved for summary judgment on the grounds that obesity does not constitute a covered disability, and on November 13, 2017, Northern District of Illinois District Judge John Robert Blakey ruled for the CTA. Judge Blakey held that severe obesity, without some underlying physiological basis, is not a physical impairment. Richardson appealed his case to the Seventh Circuit. In support of Richardson's claims, The Obesity Action Coalition, The Obesity Society, The Academy of Nutrition and Dietetics, The American Association of Clinical Endocrinologists, The American Society for Metabolic and Bariatric Surgery, The Black Women's Health Imperative, The Endocrine Society, the National Center for Weight and Wellness, The Obesity Medicine Association, and Equip for Equality have joined in filing an amicus brief on September 4, 2016. The advocates argue that the American Medical Association has recognized "obesity as a disease state with multiple pathophysiological aspects requiring a range of interventions to advance obesity treatment and prevention." Because obesity impacts a number of bodily systems, these advocates argue that obesity is in fact a physical impairment even if it is not caused by an underlying condition. The CTA has not yet filed its brief and oral argument has not yet been held, so it remains to be seen how the Seventh Circuit will rule. As obesity rates have steadily risen in the United States, the resolution of whether obesity or severe obesity qualifies as a covered disability is an important one that affects a significant percentage of the population. We will continue to monitor this case and update you upon the Seventh Circuit's ruling.

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