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McLaughlin v. City of Lowell

Appeals Court of Massachusetts, Middlesex - July 25, 2013 - N.E.2d - 84 Mass.App.Ct. 45

Firefighter brought action against city, seeking declaratory and injunctive relief, alleging that city had wrongfully refused to reinstate him under statute governing reinstatement of public employees who had retired for disability, and alleging that city had engaged in handicap-based employment discrimination and interference with firefighter's protected rights under antidiscrimination statute.

The Appeals Court held that:

- Firefighter was collaterally estopped from challenging finding of Contributory Retirement Appeal Board (CRAB) that city prohibited use of inhalers at a fire scene;
- Firefighter was not a "qualified handicapped person"; and
- City could not be liable for interfering with firefighter's protected rights in the absence of unlawful discrimination.

Firefighter on disability retirement failed to appeal decision of CRAB finding that city fire department prohibited use of inhalers at a fire scene and ordering medical panel to clarify opinion as to whether firefighter was able to perform his job duties in light of that finding, and thus firefighter was collaterally estopped from disputing whether city rule barred use of inhalers at fire scene, in subsequent action against city seeking reinstatement under statute governing reinstatement of public employees who had retired for disability.

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