

Bond Case Briefs

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EMPLOYMENT - ILLINOIS

Brumfield v. City of Chicago

United States Court of Appeals, Seventh Circuit - November 6, 2013 - F.3d - 2013 WL 5928187

Police officer commenced action against municipality, alleging claims under the Rehabilitation Act and Title II of the ADA.

The Court of Appeals held that:

- On question of first impression, Title II of the ADA does not cover disability discrimination in public employment;
- Officer waived issue on appeal of whether res judicata barred her claim under Title I of the ADA;
- Officer did not actually state that municipality had terminated her employment by reason of her alleged disability; and
- Officer's "psychological problems" did not prevent her from performing essential function of her job.

An employer may fire an employee for engaging in unacceptable workplace behavior without violating the ADA or the Rehabilitation Act, even if the behavior was precipitated by a mental illness.