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Ninth Circuit Punts On Whether Obesity Is A Disability Under The ADA

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The U.S. Court of Appeals for the Ninth Circuit has sidestepped the issue of whether obesity is an actionable “impairment” under the Americans with Disabilities Act (ADA). It’s a question that has been in the spotlight recently, after the Seventh Circuit agreed with the Second, Sixth, and Eighth Circuits in holding that obesity is [not an actionable impairment](#) under the ADA unless it is caused by an underlying physiological disorder or condition.

Rather than “take a definitive stand” on the issue, the Ninth Circuit decided the case before it on causation grounds. In [Valtierra v. Medtronic, Inc.](#), the Ninth Circuit upheld the district court’s grant of summary judgment in favor of the defendant employer. The plaintiff, a former maintenance technician, weighed more than 300 pounds at the time of his hiring, and weighed more than 370 pounds when his employment ended.

The plaintiff was terminated by his employer when it was discovered that he had intentionally falsified maintenance records to show that he had completed certain maintenance tasks prior to leaving on vacation. The plaintiff admitted that he had not actually completed the tasks, but said that he planned to do so when he returned from vacation. The plaintiff alleged that his obesity qualified as a disability under the ADA, and that his termination was the result of discrimination.

The district court granted summary judgment in favor of the employer, holding that “obesity, no matter how great, cannot constitute a disability under the

applicable EEOC regulations unless the obesity is caused by an underlying physiological condition.” According to the district court, the plaintiff could not make the showing, and granted summary judgment.

The Ninth Circuit, on the other hand, chose not to confront the question of whether obesity in and of itself qualifies as an actionable “impairment” under the ADA, as its four sister circuits have. Instead, the court determined that the plaintiff had failed to show a causal relationship between his obesity (or his “disabling knee condition”) and his termination. The plaintiff admitted that he had not completed the maintenance tasks, and he had already been employed for more than 10 years, always weighing in excess of 300 pounds. Thus, according to the Ninth Circuit, there was no basis to conclude he was terminated for any reason other than the falsified maintenance records.

Employers in the Ninth Circuit defending an ADA claim relating to an employee’s obesity will have to wait for a “definitive stand” on whether obesity alone qualifies as an impairment under the ADA. That said, the *Valtierra* case serves as a helpful reminder that ADA claims require evidence of a causal relationship between an adverse employment action and a purported disability.