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BRIAN ALLIGOOD WINS DISMISSAL OF ADA ACTION AGAINST HOME HEALTH CARE AGENCY

By August 25, 2017

Brian Alligood of the firm's Greensboro, North Carolina office successfully represented a North Carolina based home health care agency and its vice president in a federal court action that alleged discriminatory refusal to hire under the Americans with Disabilities Act. The plaintiff alleged that the agency, upon learning that she had pursued a worker's compensation claim with a previous employer, refused to hire her.

BKBM moved to dismiss the complaint at the outset under Federal Rule of Civil Procedure 12(b)(6). The motion argued that the complaint failed to allege the required elements of a cause of action under the ADA. In particular, the complaint failed to allege that the plaintiff was a qualified individual with a disability. In addition, the complaint wrongfully attempted to impose personal liability on an individual officer. The federal court granted the motion and dismissed the action in full.