



U.S. Equal Employment Opportunity Commission

Press Release

03-30-2023

EEOC Sues Walmart for Disability Discrimination

Raleigh Store Refused to Accommodate Manager and Fired Him Because of a Disability, Federal Agency Charges

RALEIGH, N.C. – Wal-Mart Stores East, LP violated federal law when it refused to excuse an employee’s disability-related leave and fired him for violating the company’s attendance policy, the U.S. Equal Employment Opportunity Commission (EEOC) alleged in a lawsuit filed today.

According to the EEOC’s lawsuit, on several occasions from April 2017 through August 2018, Walmart refused to provide a reasonable accommodation to a general merchandise support manager with a disability who was suffering from symptoms related to generalized convulsive epilepsy.

Walmart hired the manager as a cashier in 2012 and promoted him several times over the next four years. Beginning in 2017, the manager began experiencing seizures requiring medical treatment which caused him to be late for his shift or to miss work on several occasions. On each occasion, the manager told Walmart his absence was related to his disability. In July 2017, the manager requested a reasonable accommodation for his disability in the form of intermittent leave. Walmart did not grant the request or excuse the disability-related absences. In 2018, Walmart demoted the manager to deli sales associate because of his disability-related absences and then fired him for violating the company’s

attendance policy.

Such alleged conduct violates the Americans with Disabilities Act (ADA), which protects individuals from disability discrimination in the workplace and which, absent undue hardship, requires employers to provide reasonable accommodations to allow disabled employees to perform the essential functions of the job. The EEOC filed suit in the U.S. District Court for the Eastern District of North Carolina, Western Division (*Equal Employment Opportunity Commission v. Wal-Mart Stores East, LP*, Civil Action No.: 5:23-cv-00160) after first attempting to reach a pre-litigation settlement through its voluntary conciliation process.

The EEOC seeks monetary relief for the former employee, including back pay, and compensatory and punitive damages. The EEOC also seeks injunctive relief against the company to end any ongoing discrimination and to prevent such unlawful conduct in the future.

“Absent undue hardship, intermittent leave can be an effective reasonable accommodation under the ADA,” said Melinda C. Dugas, regional attorney for the EEOC’s Charlotte District. “Employees with disabilities should be able to seek medical treatment without fear of losing their jobs.”

The EEOC’s Charlotte District is charged with enforcing federal employment anti-discrimination laws in North Carolina, South Carolina, and Virginia.

For more information on disability discrimination, please visit

<https://www.eeoc.gov/disability-discrimination> (<https://www.eeoc.gov/disability-discrimination>).

The EEOC advances opportunity in the workplace by enforcing federal laws prohibiting employment discrimination. More information about disability discrimination is available at **<https://www.eeoc.gov> (<https://www.eeoc.gov>)**.

Stay connected with the latest EEOC news by subscribing to our **[email updates](https://public.govdelivery.com/accounts/USEEOC/subscriber/new) (<https://public.govdelivery.com/accounts/USEEOC/subscriber/new>)**.