



U.S. Equal Employment Opportunity Commission

Press Release

02-15-2024

EEOC Sues Atlantic Properties Management Corporation and Diversified Funding for Disability Discrimination and Retaliation

Federal Agency Charges Property Management Companies With Revoking Job Offer From Woman With Breast Cancer

BOSTON – Atlantic Properties Management Corporation and its affiliate, Diversified Funding, Inc., property management companies in Boston, violated federal law by failing to provide a reasonable accommodation to a new hire with a disability and subsequently withdrawing her job offer, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit filed today.

According to the EEOC's lawsuit, the individual was offered employment as an executive administrative assistant to the president and vice president of the two companies. Shortly after the offer of employment, the employee was diagnosed with invasive ductal carcinoma, a common form of breast cancer. Her doctor confirmed she was able to perform all aspects of her position, but she would need to receive treatment weekly resulting in a need for some limited time off from work. When she provided her doctor's note to the companies, the president decided to

withdraw her job offer without any discussion with the employee.

Such alleged conduct violates the Americans with Disabilities Act (ADA), which prohibits discrimination based on disability and retaliation for requesting a reasonable accommodation. The EEOC filed suit in U.S. District Court for the District of Massachusetts (Case No. 1:24-cv-10370) after first attempting to reach a pre-litigation settlement through its conciliation process. The EEOC is seeking back pay, compensatory damages, and punitive damages, as well as injunctive relief to prevent future discrimination.

“The EEOC has made clear in its **Technical Assistance on Cancer in the Workplace and the ADA** (<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.eeoc.gov%2Fflaws%2Fguidance%2Fcancer-workplace-and-ada&data=05%7C02%7CERICK.GUTIERREZ%40EEOC.GOV%7Ce0acdc525f89424928b708dc2ee3c423%7C3ba5b9434e564a2f9b91b1f1c37d645b%7C0%7C0%7C638436803482664617%7CUnknown%7CTWFpbGZsb3d8eyJWljoIMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikk1haWwiLCJXVCi6Mn0%3D%7C0%7C%7C%7C&sd ata=AjVrU6Z%2FqiKTZUCFqB5lOg9GQlagzKWfOvsw7mf8hVg%3D&reserved=0>)

that individuals with cancer often experience discrimination in the workplace because of misperceptions about their ability to work during and after cancer treatment,” said Jeffrey Burstein, the EEOC’s regional attorney for the New York District Office. “This litigation is a textbook example of how the ADA was created to protect workers at a point of deep vulnerability, and it should provide a sharp reminder to employers of the importance of refraining from stereotypical assumptions and pursuing the required interactive process.”

Yaw Gyebi, Jr., the director of the New York District Office, said, “Employers are required to provide employees with disabilities with reasonable accommodations. This woman was perfectly able to perform her job duties, but upon learning that she had cancer, the company immediately revoked her job offer -- in clear violation of federal law.”

The case will be litigated by EEOC Trial Attorney Lindsay C. Sfekas and supervised by Assistant Regional Attorney Kimberly A. Cruz.

For more information on disability discrimination, including failure to hire and failure to provide reasonable accommodation, please visit <https://www.eeoc.gov/eeoc-disability-related-resources> (<https://>

[La EEOC Demanda a Bob's Tire Company, Inc. por Delitos de Acoso Sexual, Racial y Represalias por Nacionalidad \(https://www.eeoc.gov/es/newsroom/la-eeoc-demanda-bobs-tire-company-inc-por-delitos-de-acoso-sexual-racial-y-represalias-por\)](https://www.eeoc.gov/es/newsroom/la-eeoc-demanda-bobs-tire-company-inc-por-delitos-de-acoso-sexual-racial-y-represalias-por)

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[Hospital Housekeeping Systems to Pay \\$520,000 in EEOC Disability Discrimination Suit \(https://www.eeoc.gov/newsroom/hospital-housekeeping-systems-pay-520000-eeoc-disability-discrimination-suit\)](https://www.eeoc.gov/newsroom/hospital-housekeeping-systems-pay-520000-eeoc-disability-discrimination-suit)

[Jury Awards \\$1.675 Million in EEOC Disability Discrimination Case Against McLane Northeast \(https://www.eeoc.gov/newsroom/jury-awards-1675-million-eeoc-disability-discrimination-case-against-mclane-northeast\)](https://www.eeoc.gov/newsroom/jury-awards-1675-million-eeoc-disability-discrimination-case-against-mclane-northeast)