



U.S. Equal Employment Opportunity Commission

Press Release

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EEOC Sues the Phoenix Center for Disability Discrimination

Recovery Center Fired and Refused to Hire People Because of Their Disabilities, and Subjected Applicants to Impermissible Medical Inquiries, Federal Agency Charges

INDIANAPOLIS — The Phoenix Center Inc., a mental health and substance use recovery center headquartered in Ironton, Ohio, violated federal law when it subjected several employees to various forms of disability discrimination, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit filed on September 19, 2023.

According to the EEOC's suit, a woman applied for a case manager position at one of The Phoenix Center's four Ohio facilities but was rejected because of her chronic migraine condition and because she required medication for it. The EEOC also charged that The Phoenix Center fired another employee because of her alcohol dependence. Further, the suit included charges the employer subjected a class of applicants to impermissible medical inquiries.

Such alleged conduct violates the Americans with Disabilities Act (ADA), which prohibits employers from firing or refusing to hire qualified individuals due to an actual disability or a record of disability, or because the employer regarded them as having an impairment. The ADA also requires employers to make a reasonable

accommodation to qualified employees and job applicants who have or had an impairment that substantially limits a major life activity, unless doing so would cause undue hardship for the employer.

Alcohol dependence may be a disability under the ADA, if it substantially limits one or more major life activity. The ADA also prohibits employers from asking applicants disability-related questions or conducting medical examinations before making a conditional offer of employment.

“An employer cannot fire or refuse to hire someone based on an unfounded belief that the individual’s medical condition renders her unable to perform her job,” said Michelle Eisele, district director for the EEOC’s Indianapolis District Office.

EEOC Indianapolis District Office Regional Attorney Kenneth L. Bird added, “An employer may not subject job applicants to any questions that are likely to reveal the existence, nature, or extent of a disability prior to giving those applicants genuine, conditional offers of employment. Employers who ask such illegal questions or refuse to hire applicants because of their responses to such questions are violating federal law and will be held accountable.”

The EEOC filed its lawsuit in U.S. District Court for the Southern District of Ohio (*EEOC v. The Phoenix Center Inc.*, Case No. 1:23-cv-592) after first attempting to reach a pre-litigation settlement through its administrative conciliation process. The EEOC seeks lost wages, compensatory damages and punitive damages, as well as a permanent injunction and ongoing reporting and monitoring procedures to ensure that The Phoenix Center complies with the law in the future.

For more information on disability discrimination, please visit

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

The case is being litigated by the Detroit Field Office, which is part of the EEOC’s Indianapolis District, with jurisdiction over Indiana, Kentucky, Michigan, and parts of Ohio.

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

