



U.S. Equal Employment Opportunity Commission

Press Release

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EEOC Sues Walmart for Disability Discrimination

Henderson Store Refused to Accommodate Employee and Fired Her 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 her 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, the employee was hired in July 2016 and worked stocking shelves in the candy aisle. In September 2016, the employee was diagnosed with epileptic seizure disorder. The condition causes the employee to have periodic seizures which often result in a loss of consciousness and a recovery period of at least 24 hours. The employee’s mother notified the employee’s supervisor of the seizure-related disability and advised her the employee may continue to have seizures. She provided the supervisor with a doctor’s note detailing the diagnosis and related medical restrictions. The supervisor said she would excuse seizure-related absences if the employee’s mother notified her the absence was related to the employee’s seizure disorder. During the next eight months, the employee incurred periodic absences because of her disability. On each occasion, the employee’s mother notified the supervisor the absence was due to the employee’s seizure disorder. The employer did not excuse these absences,

and, as a result, the employee was fired for violating the store'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 employees with disabilities 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-00218*) 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.

“Reasonable accommodations required by the ADA can take many forms,” said Melinda C. Dugas, regional attorney for the EEOC's Charlotte District. “An employer may be required to create an exception to an existing workplace policy if it will allow the employee to perform the essential functions of the job.”

Charlotte District Director Betsy Rader said, “The EEOC will continue to stand up for the rights of individuals with disabilities to equal opportunities in the workplace, ensuring employers provide reasonable accommodations where they do not impose an undue hardship.”

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>)**.

