



**U.S. Equal Employment Opportunity Commission**

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## **Press Release**

03-28-2023

# **EEOC Sues Walmart for Disability Discrimination**

Statesville Store Refused to Accommodate Deli Worker and Fired Her Because of a Disability, Federal Agency Charges

CHARLOTTE, N.C. – Wal-Mart Stores East, LP violated federal law when it refused to excuse an employee's disability-related leave and discharged 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, on several occasions from November 2016 through April 2017, Walmart refused to provide a reasonable accommodation to a deli associate who was suffering from symptoms related to Crohn's disease. Specifically, the associate requested intermittent leave or excused disability-related absences and requested to be transferred to a position closer to a bathroom. Although Walmart excused a few of the associate's disability-related absences, it did not excuse others, including several absences due to medical appointments and a hospitalization. The associate, who had worked for Walmart since February of 2014, was fired in April 2017 for incurring unexcused absences exceeding the number of absences allowed under company policy, even though she had provided doctor's notes.

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 Western District of North Carolina, Statesville Division (*Equal Employment Opportunity Commission v. Wal-Mart Stores East, LP, Civil Action No.: 3:23-cv-00181*) 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.

“The Americans with Disabilities Act was created to protect employees like this deli associate,” said Melinda C. Dugas, regional attorney for the EEOC’s Charlotte District. “Here you have a long-term employee who—at the onset of a debilitating health condition—needs some flexibility from her employer while she seeks medical treatment and works toward managing the condition.”

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>**).