Burton Blatt Institute at Syracuse University Chairman Peter Blanck and leading civil rights lawyer Claudia Center file amicus brief in U.S. Court of Appeals disability discrimination case

SYRACUSE, NEW YORK – University Professor Peter Blanck, chairman of the Burton Blatt Institute (BBI) at Syracuse University, and Claudia Center, a leading disability rights lawyer at The Legal Aid Society–Employment Law Center, have filed an amicus brief requesting a rehearing of Lopez v. Pacific Maritime Association, a case heard by the U.S. Court of Appeals for the Ninth Circuit.

The Ninth Circuit Court of Appeals held in Lopez that an employer’s “one-strike” drug testing policy for applicants does not violate the Americans with Disabilities Act (ADA). Lopez, who had an addiction to drugs and alcohol, failed a drug test when he first applied for a job as a longshoreman in 1997. When Lopez re-applied five years later and after successful rehabilitation, he was rejected based on his prior test. In his suit, Lopez claimed discrimination in violation of the ADA based on his protected status as a rehabilitated and former drug addict.

Representing several disability rights organizations as well as other groups concerned with the rights of veterans and persons who are in recovery for drug and alcohol addiction, Center and Blanck contend the Court did not apply the ADA’s provisions as intended by Congress. Center comments that “as a result of the Court’s analysis, people with disabilities lack full protection under the ADA and the case creates impossible barriers to relief for many ADA plaintiffs facing common scenarios of disability discrimination.”

According to the brief, as thousands of veterans return home with disabilities from warzones, the ADA protections called into question in the Lopez case are of particular importance. “The Court’s opinion weakens the core provisions of the ADA and disrupts the decision of Congress to balance the needs of employers with the Nation’s interest in eliminating disability discrimination,” Blanck comments.

Center and Blanck argue the Lopez decision unfairly weakens the rights of the Iraq veteran with traumatic brain injury (TBI) facing a pen-and-paper only entrance examination, or a Vietnam-era veteran who is a long recovered drug addict but who then is excluded from employment based on a decade old positive drug test.

-more-
About the Burton Blatt Institute (BBI) at Syracuse University
BBI reaches around the globe in its efforts to advance the civic, economic, and social participation of people with disabilities. Officially launched in 2005, BBI builds on the legacy of Burton Blatt, former dean of SU’s School of Education and a pioneering disability rights scholar, to better the lives of people with disabilities. BBI engages in projects around the globe on civil and human rights, entrepreneurship and employment, inclusive communities and technologies, and economic empowerment. With a staff of more than 60, BBI has offices in Syracuse, N.Y., Washington, D.C., Atlanta, Ga., New York, N.Y., and Tel Aviv, Israel. For more information, visit bbi.syr.edu.

###