

## **Lifting Restriction: Nurse Not Disabled, No Disability Discrimination.**

**A** registered nurse was manager of the hospital's rehab department.

Because her nurse-manager position did not require any lifting it was not an issue that she had a 22-pound lifting restriction due to a back injury from an auto accident years earlier.

She took a one-year medical leave for a knee injury. When she was ready to come back to work she was told her management position was no longer available.

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***To be considered disabled, an individual must be significantly restricted in the ability to perform either a class of jobs or a broad range of jobs compared to the average person with comparable training, skills and abilities.***

***Inability to perform a single, particular job does not make a person disabled.***

UNITED STATES DISTRICT COURT  
INDIANA

September 25, 2009

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The US District Court for the Southern District of Indiana dismissed her disability discrimination lawsuit.

Although she did not get her manager job back and was not hired elsewhere in the hospital the nurse did find employment as a home care nurse and as a psychiatric nurse in positions which did not call for patient lifting.

If the individual does not have a disability as disability is defined for purposes of the Americans With Disabilities Act, the individual is not entitled to reasonable accommodation and cannot sue for disability discrimination for being denied a light-duty assignment. **Linville v. Community Hosp., 2009 WL 3163119 (S.D. Ind., September 25, 2009).**