

Hospital Worker With Lupus and Depression Demoted: ADA Violations: Verdict: Punitive Damages

Swiech, 55, was a payroll supervisor at a hospital. She suffered from lupus and depression, which caused fatigue. She asked her supervisor for a modification of her work hours, but the supervisor refused. Swiech was later demoted to the position of payroll clerk and her salary was frozen. She was subsequently accused of unsatisfactory performance and making illegal changes to her retirement account. Eventually, Swiech resigned. She had been earning about \$34,000 annually.

Swiech sued the hospital, alleging that the defendant discriminated against her on the basis of her disability in violation of the Americans With Disabilities Act (ADA), 42 U.S.C. § 12101 *et. seq.* Plaintiff claimed that (1) she was subjected to a hostile work environment, (2) defendant failed to reasonably accommodate her disabilities, and (3) she was constructively discharged.

The jury awarded \$1.45 million. Plaintiff was awarded \$850,000 on her hostile work environment claim, including \$250,000 punitive damages; \$450,000 for defendant's failure to reasonably accommodate plaintiff's disabilities, including \$250,000 punitive damages; and \$150,000 for unlawful constructive discharge based on a disability, including \$75,000 punitive damages.

Plaintiff's legal econometrics expert was Gary Skoog, Glenview, IL. Plaintiff's other expert witnesses were Lynn Meisles, rheumatology, Melrose Park, Ill., and Shoba Sinha, psychiatry, Lombard, IL.

Defendant's motion for judgment as a matter of law, a new trial, or remittitur of damages is pending.