

## Summary Judgment Review

**Case Name:** *DeLoach v. CSX Transportation, Inc.*

**Nature of the Order:** Order Adopting the Magistrate Judge's Report & Recommendation, Granting Defendant's Motion for Summary Judgment

**Magistrate Judge:** Alan J. Baverman

**District Judge:** Mark H. Cohen

**Claims & Outcomes:**

1. **Claim:** ADA – Reasonable Accommodation
  - a. **Outcome:** Plaintiff's Motion for Partial Summary Judgment as to liability is Granted; Defendant's Motion for Summary Judgment is Denied

**Whether R&R Followed:** Yes

**For Race/Gender Discrimination Cases:**

**Race of Plaintiff:** N/A

**Gender of Plaintiff:** N/A

**Long Summary**

Plaintiff William Bernard DeLoach was hired by Defendant CSX Transportation, Inc. as a locomotive conductor but became a locomotive engineer in 2004. In this role, DeLoach was responsible for ensuring the safe operation of a train by controlling the speed, direction, breaking, and secondary systems. DeLoach suffered sudden onset cardiac arrest on June 6, 2015, and was diagnosed with hypertrophic cardiomyopathy, which is not curable and comes with a high risk for a subsequent cardiac arrest. To treat this condition, on June 10, 2015, DeLoach had an implantable cardiac defibrillator ("ICD") placed in his chest, which delivers an electric shock to the heart if an arrhythmia is detected. DeLoach's doctor informed him that any discharge of the ICD could cause DeLoach to faint or lose consciousness. There is an increased risk of accidental discharge in the first year after the ICD is implanted, such that the American Heart Association recommends that individuals with newly implanted ICDs do not drive for at least six months afterwards.

On July 27, 2015, CSX informed DeLoach that he was not medically qualified to return to work until he had his ICD for one year without any discharges. DeLoach was medically cleared to return to work on June 1, 2016, and he did so. DeLoach claims that CSX violated the ADA by arbitrarily removing him from his position for one year.

The Magistrate Judge found, and the Court agreed, that DeLoach could not establish a prima facie case of disability discrimination because De Loach posed a "direct threat" and was not

otherwise qualified for the locomotive engineer position based upon the severity and nature of the potential harm that could occur if he was unable to operate the train. Even if DeLoach had established a prima facie case, the Court found that CSX proffered a legitimate non-discriminatory reason for its actions. CSX had legitimate safety concerns that could arise in the event of an accidental discharge of the ICD. DeLoach failed to prove that this reason was false and based instead on his disability.

Therefore, the Court GRANTED Defendant's Motion for Summary Judgement.