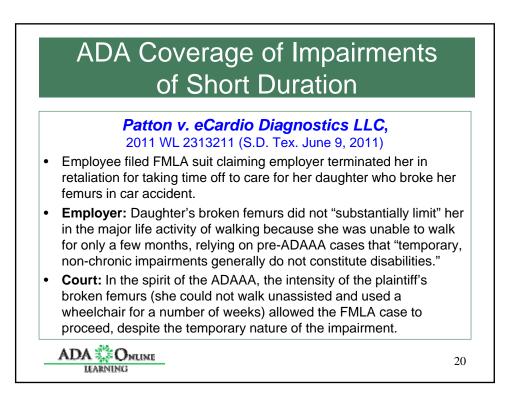


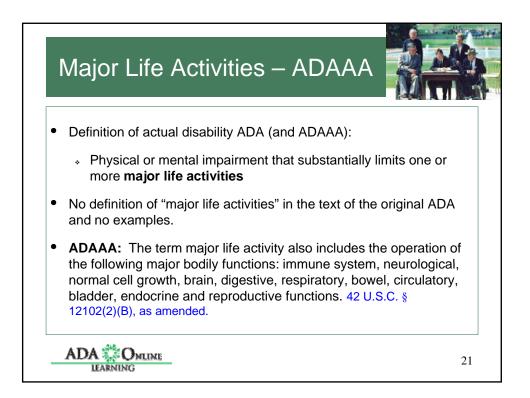
19

## ADA Coverage of Impairments of Short Duration

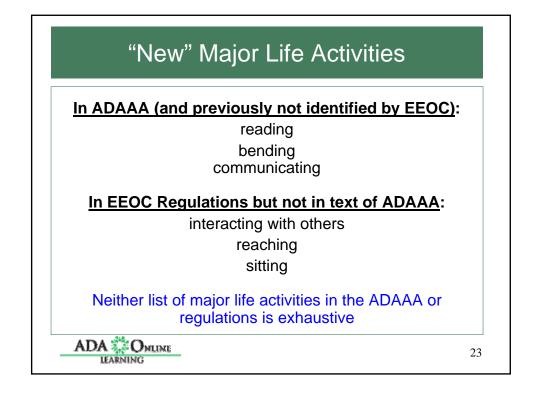
## Feldman v. Law Enforcement Assocs. Corp., 2011 WL 891447 (E.D.N.C. Mar. 10, 2011)

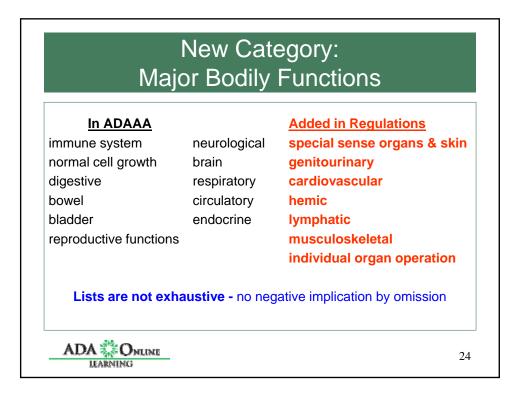
- **Employer:** Plaintiff with transient ischemic attack (TIA, or a 'ministroke') not is covered by the ADA because of its temporary nature, relying on EEOC's proposed regulations which stated that "Temporary, non-chronic impairments of short duration with little or no residual effects ...usually will not substantially limit a major life activity."
- **Court:** Plaintiff with TIA is covered by ADA. "TIA 'produces strokelike symptoms[,]' ... As a result, the court finds that a TIA is not comparable to a common cold, a sprained joint, or any other of the examples listed in the proposed EEOC regulations."

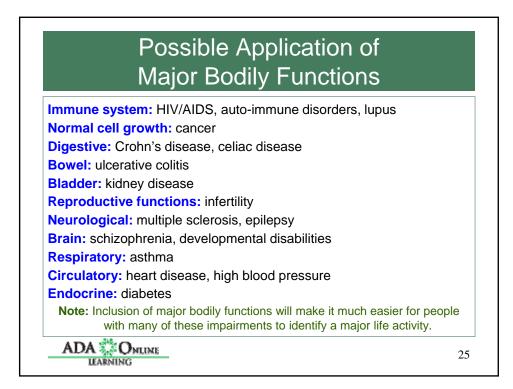


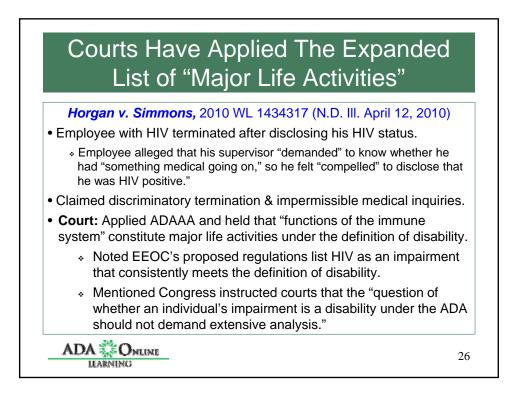


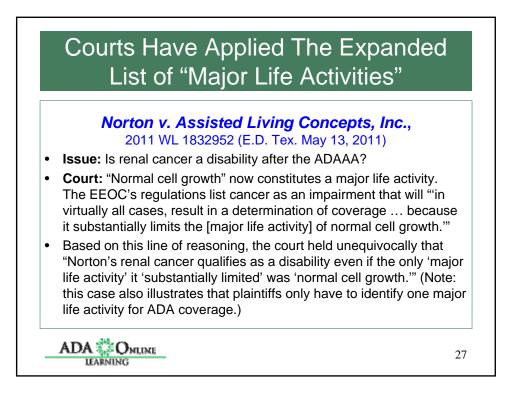
In ADAAA (and previously identified by EEOC):	
caring for oneself lifting hearing eating sleeping performing manual tasks working	walking & standing seeing learning speaking breathing concentrating & thinking

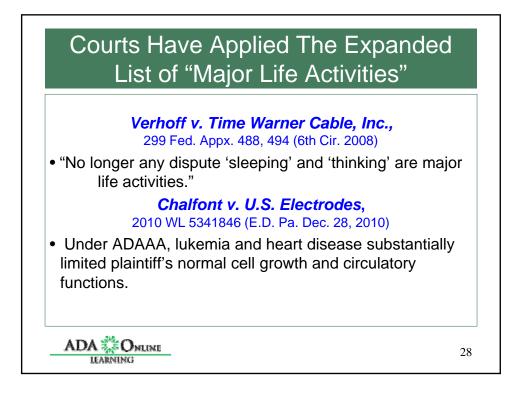


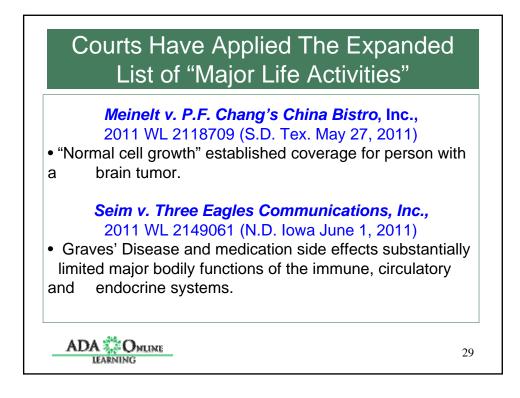


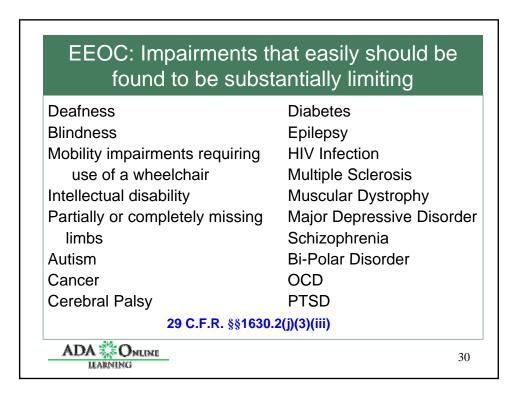


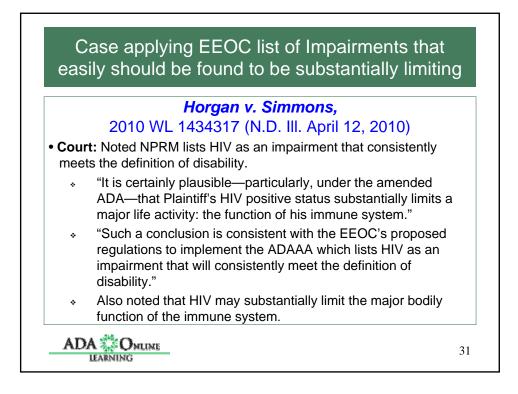


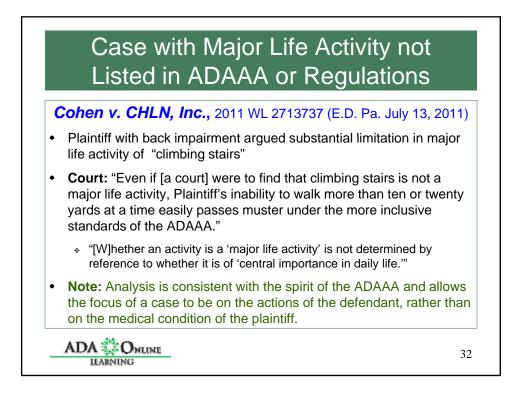


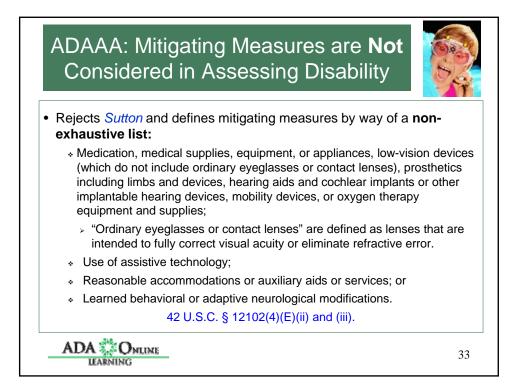


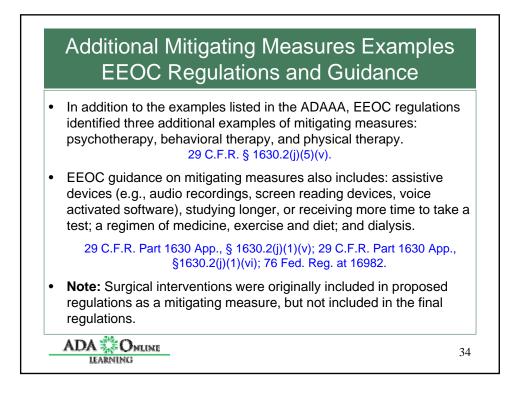


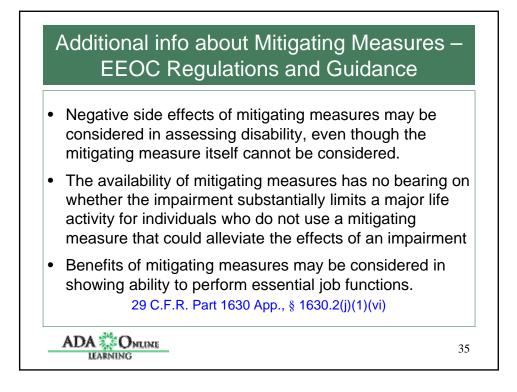


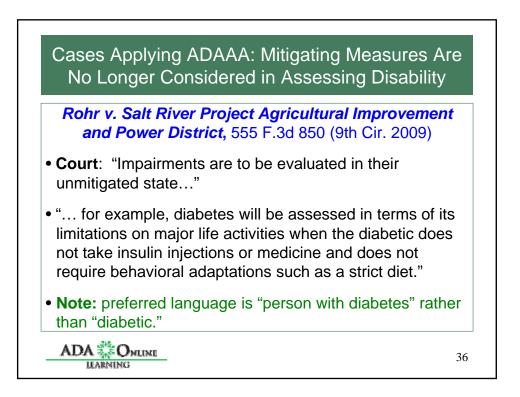


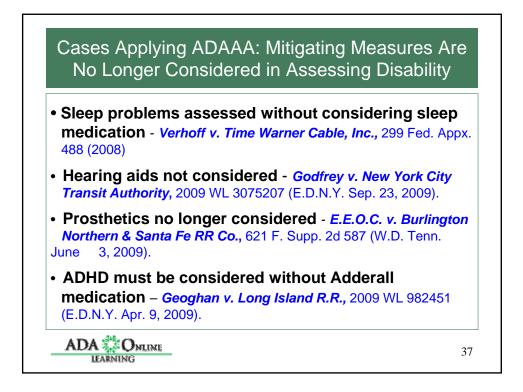


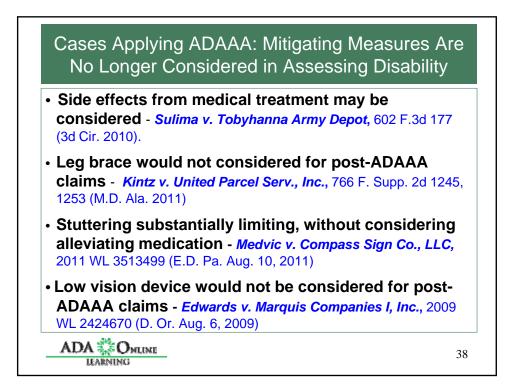


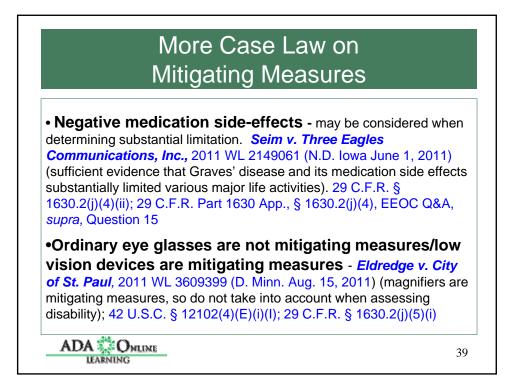


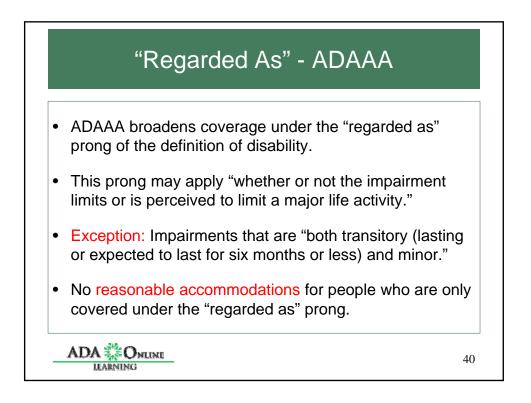


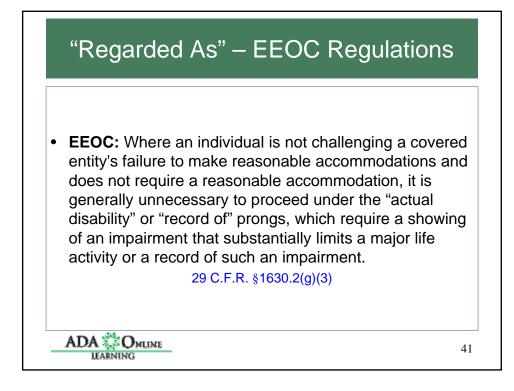


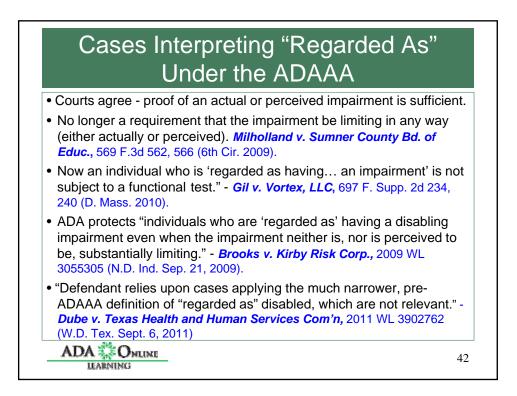


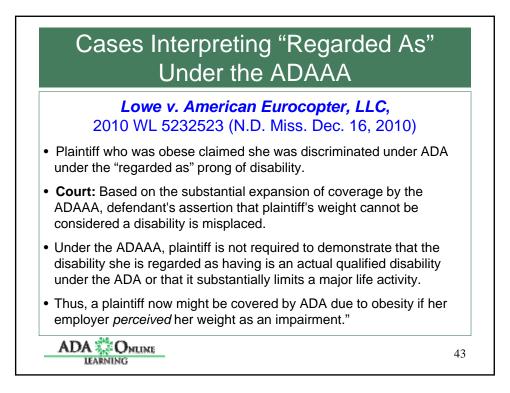


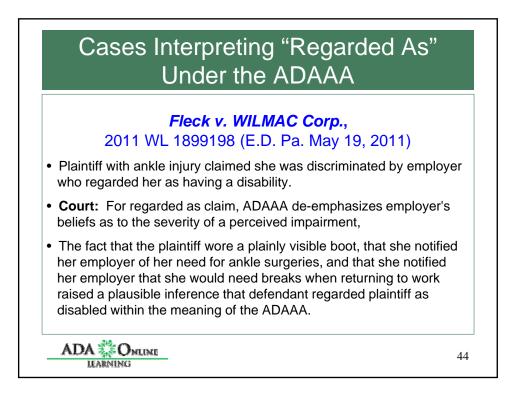


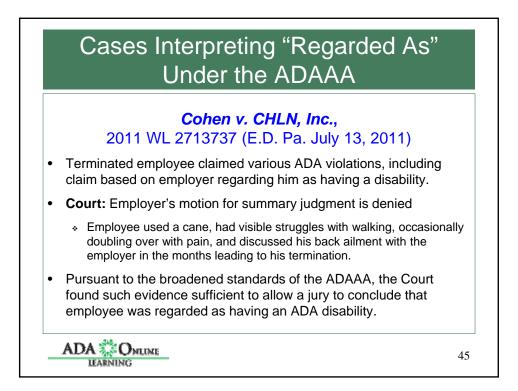


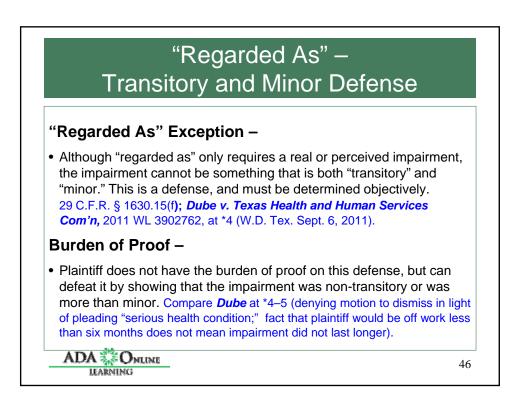


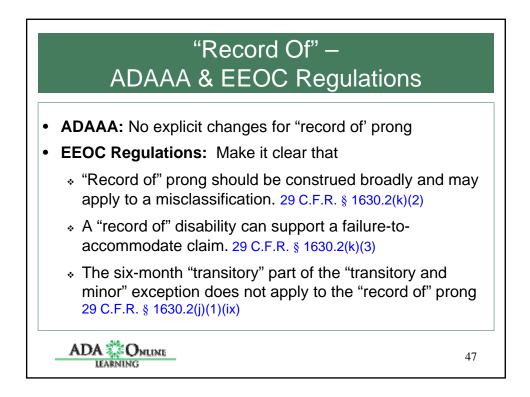


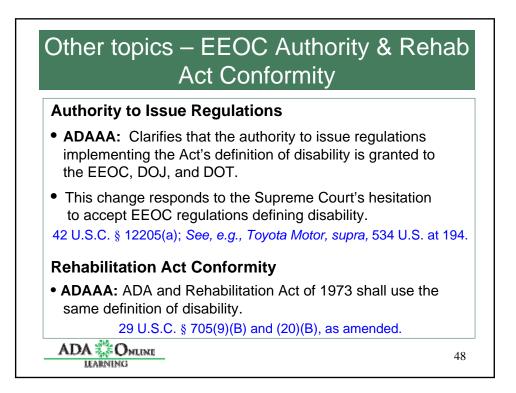


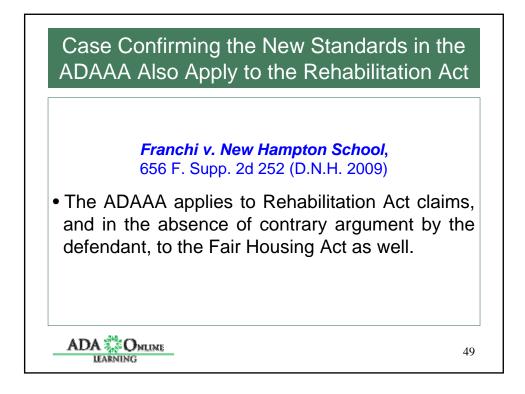


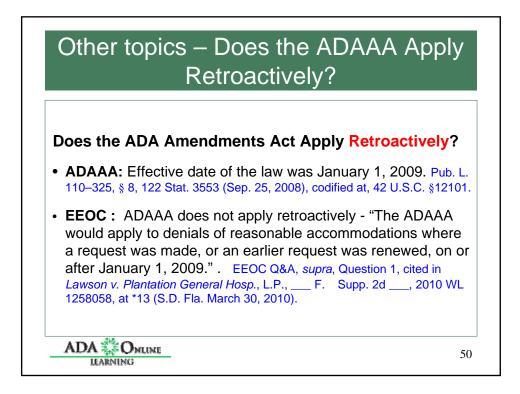










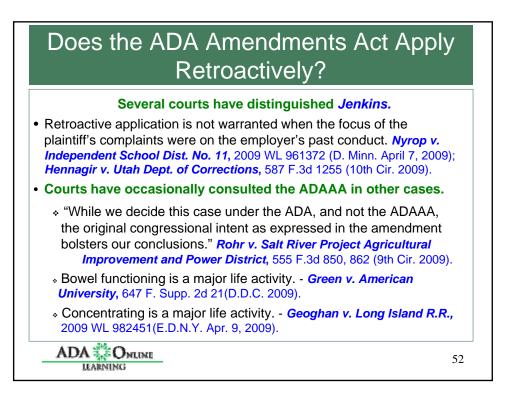


## Does the ADA Amendments Act Apply Retroactively?

## Exception: Jenkins v. National Board of Medical Examiners, 2009 WL 331638 (6<sup>th</sup> Cir. Feb. 11, 2009)

- Plaintiff had a reading disorder and was seeking an accommodation of additional time on a medical licensing examination.
- **Trial court:** Relying on previous Supreme Court precedent, the trial court found that the plaintiff did not have an ADA disability.
- Appellate Court: ADAAA may be applied retroactively when the plaintiff was only seeking prospective injunctive relief, as opposed to monetary damages per Supreme Court precedent.
  - Rather than seeking damages for some past act of discrimination, the plaintiff was seeking the right to receive an accommodation on a test that will occur in the future, well after the ADAAA's effective date.

51





Similarly, there are a few cases that seem to follow ADAAA standards without expressly finding retroactivity.

Quinones v. Potter, 661 F.Supp.2d 1105, 1119 (D. Ariz. 2009)

- The definition of "disability" and "substantially limits" are "to be broadly construed."
- Plaintiff raised a genuine issue that she was substantially limited in lifting a, given that she can only left between 5 and 20 pounds, and restricted in the continuous and repetitive overhead use of her arms.

Franchi v. New Hampton School, 656 F. Supp. 2d 252 (D.N.H. 2009)

53

• A person with an eating impairment is covered under the ADA.

