EEOC Sues BAE Systems for Disability Discrimination

Agency Says Qualified Material Handler Fired Because of His Obesity

HOUSTON -- BAE Systems, Inc. (BAE), a Virginia-based military vehicle manufacturer, engaged in unlawful disability discrimination against one of its employees who worked at its location in Sealy, Texas, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit it filed today.

According to the EEOC’s suit (Civil Action No. 4:11-cv-03497), BAE fired Ronald Kratz II because of his disability, morbid obesity, and because it regarded him as disabled. The agency said that, at the time of his discharge, Kratz was qualified to perform the essential function of his job as a material handler III. BAE refused to engage in any discussion with him to determine whether reasonable accommodations were possible that would have allowed him to continue to perform the essential function of his job, the EEOC said. The suit asserts that BAE replaced Kratz with someone who was not morbidly obese.

Disability discrimination violates the Americans With Disabilities Act (ADA). The EEOC filed this suit in U.S. District Court for the Southern District of Texas after first attempting to reach a pre-litigation settlement through its conciliation process. The EEOC seeks lost wages and benefits, compensatory and punitive damages, and injunctive relief, including rightful place reinstatement.

“The law prohibits an employer from firing a morbidly obese worker who can perform his essential job duties, with or without reasonable accommodation,” said R.J. Ruff, district director of the agency’s Houston District Office. “Mr. Kratz had a good performance rating and did not deserve to be fired.”

Jim Sacher, the EEOC’s regional attorney in Houston, said, “The filing of this lawsuit will send a strong message to employers that they cannot fire disabled employees based on perceptions and prejudice. The EEOC will vigorously enforce federal law by prosecuting companies which discriminate by firing productive workers because of their disabilities.”

According to the company website, www.baesystems.com, BAE Systems, Inc. is the U.S.-based segment of BAE Systems plc, with headquarters in Arlington, Va. Kratz worked for over 15 years at the Sealy, Texas location, around 50 miles from Houston, with BAE Systems’ Global Tactical System.

The EEOC enforces federal laws prohibiting employment discrimination. Further information is available on the EEOC's web site at www.eeoc.gov.