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DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
001	Spreadsheet	Supreme Court Decisions Interpreting the Americans with Disabilities Act [6 PAGES RELEASED IN WHOLE ON PRA RE-REVIEW 05/20/2025 JLS]	6	N.D.	

COLLECTION TITLE:

Counsel's Office, White House

SERIES:

Kavanaugh, Brett - Subject Files

FOLDER TITLE:

ADA (Americans with Disability Act) 3:15

FRC ID:

9802

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

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- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

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SUPERSEDED

DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
001	Spreadsheet	Supreme Court Decisions Interpreting the Americans with Disabilities Act	6	N.D.	P5;

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* recent SCT decisions
* ADA anniversary event

potential issues
w/ ADA

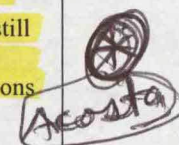
SUPREME COURT DECISIONS INTERPRETING THE AMERICANS WITH DISABILITIES ACT

CASE	DATE RENDERED	QUESTION PRESENTED	HOLDING	IMPLICATION OF DECISION
<i>Pennsylvania Department of Corrections v. Yeskey</i> , 524 U.S. 206 (1998)	June 15, 1998	Whether Title II of the ADA covers state prisons and prisoners.	Title II of the ADA unambiguously extends to state prison inmates.	Demonstrates that the ADA covers some categories of enterprises not expressly mentioned in the Act. Demonstrates breadth and broad coverage of the ADA.
<i>Bragdon v. Abbott</i> , 524 U.S. 624 (1998)	June 25, 1998	1) Whether asymptomatic HIV is a disability under the ADA. 2) When deciding whether a private health care provider must perform invasive procedures on an infectious patient in his office, should courts defer to the provider's professional judgment, as long as it is reasonable in light of then current medical knowledge?	1) Asymptomatic HIV infection is a physical impairment under the ADA. 2) Reproduction is a major life activity under the ADA, which HIV infection substantially limits within the meaning of the ADA. 3) The existence of a significant health risk from treatment or accommodation of person who is disabled must be determined from the standpoint of the person refusing treatment or accommodation, but the risk assessment must be based on medical or other objective evidence, and not simply on that person's good-faith belief that a significant risk exists.	The list of major life activities in the ADA regulations is not exhaustive. This ruling should be very helpful to most persons with HIV trying to establish they have a disability under the ADA. Major life activities under the ADA are not limited to activities that have a public, economic, or daily character.
<i>Wright v. Universal Maritime Service Corp.</i> , 525 U.S. 70 (1998)	November 16, 1998	Whether a general arbitration clause in a collective bargaining agreement requires an employee to use the arbitration procedure to address an alleged violation of the ADA.	There is "a presumption of arbitrability" in collective bargaining agreements, but the presumption extends only to interpreting or applying the terms of the collective bargaining agreement. Any union-negotiated waiver of employees' statutory right to a judicial forum for claims of employment discrimination, if valid at all, must be "clear and unmistakable."	The Court did not reach the question whether a waiver would be enforceable if it was, in fact, clear and unmistakable.

CASE	DATE RENDERED	QUESTION PRESENTED	HOLDING	IMPLICATION OF DECISION
<i>Cleveland v. Policy Management Systems Corp.</i> , 526 U.S. 795 (1999)	May 24, 1999	The extent to which application for and receipt of disability benefits precludes a person with a disability from bringing an ADA claim.	The Court identified five rationales for claimants making legitimate representations of total disability while pursuing ADA claims. A negative judicial presumption of direct conflict between the two claims should not be applied.	Interrupted a large body of lower court decisions that had prevented individuals who had filed for or were awarded Social Security disability benefits from pursuing ADA employment discrimination claims.
<i>Sutton v. United Airlines</i> , 527 U.S. 471 (1999)	June 22, 1999	Whether corrective and mitigating measures should be considered in determining whether an individual is disabled under the ADA.	Determinations of disability under the ADA must take corrective (mitigating) measures into account.	If a disability is corrected by medication or an assistive device, ADA protections are not available unless the condition still substantially limits or the person is regarded as still substantially limited in a major life activity. If regarded as substantially limited in the major life activity of working, plaintiff must show that employer believed the limitation affected a range of jobs in various classes or a class of jobs, not just a single, particular job. Has the illogical result of permitting employers to terminate a person from a job because of a physical or mental condition and then to argue the condition is not serious enough to constitute a disability.
<i>Murphy v. United Parcel Service</i> , 527 U.S. 516 (1999)	June 22, 1999	1) Whether conditions that are improved with medication should be considered in the medicated or non-medicated state for purposes of determining disability. 2) What does the "regarded as" prong mean under the ADA.	1) Medication is considered a mitigating measure for purposes of determining whether someone has a disability. 2) The inability to perform a single, particular job does not constitute a substantial limitation in the major life activity of working. 3) Likewise, being regarded as unable to perform a single, particular job does not constitute discrimination under the ADA "third prong."	Same principles as Sutton.

CASE	DATE RENDERED	QUESTION PRESENTED	HOLDING	IMPLICATION OF DECISION
<i>Albertson's, Inc. v. Kirkingburg</i> , 527 U.S. 555 (1999)	June 22, 1999	1) Whether having monocular vision constitutes <i>per se</i> disability under the ADA. 2) Whether an employer who requires as a job qualification that an employee meet an otherwise applicable federal safety regulation must justify enforcing the regulation solely because its standard may be waived in an individual case.	1) A showing of significant restriction is required in order to establish substantial limitation. Mitigating measures can include the body's own systems (sometimes subconscious), not just medication and devices. An individual must offer evidence that in their own personal situation, the extent of the limitation is substantial (case by case basis). 2) An employer does not need to justify enforcing a waivable regulation.	<i>Per se</i> disability status could be appropriate in some circumstances. People with monocular vision would not have an "onerous burden" in showing they have a disability. However, a mere difference in an individual's manner of performing an activity does not necessarily constitute a substantial limitation.
<i>Olmstead v. L.C.</i> , 527 U.S. 581 (1999)	June 22, 1999	Whether the ADA requires a state to place persons with mental disabilities in community settings rather than in institutions when the state's treatment professionals have determined that community placement is appropriate, and what standard is to be applied in assessing a state's assertion of a fundamental alteration defense to the obligation to afford such community placement.	Undue institutionalization qualifies as discrimination by reason of disability. States are required to place persons with mental disabilities in community settings rather than in institutions when the State's treatment professionals have determined that community placement is appropriate, the transfer from institutional care to a less restrictive setting is not opposed by the individual, and the placement can be reasonably accommodated, taking into account the resources available to the State and the needs of others with mental disabilities. States can resist program modifications that would fundamentally alter the nature of the services or programs.	This decision has become the new impetus for a national effort to increase community-based alternatives and eliminate unjustified institutional placements. The Court indicated that the fundamental alteration defense may be upheld when 1) the cost of community-based care is equitable in view of resources available for the range of services a State provides to others with disabilities; and 2) the State's waiting list for transferring people out of institutions moves at a reasonable pace.

CASE	DATE RENDERED	QUESTION PRESENTED	HOLDING	IMPLICATION OF DECISION
<i>Board of Trustees of the University of Alabama v. Garrett</i> , 531 U.S. 356 (2001)	February 21, 2001	Whether the 11 th Amendment bars employees of a state from recovering monetary damages from the state for violations of Title I of the ADA.	Suits by employees of a state to recover money damages from the state for violations of Title I of the ADA are barred by the 11 th Amendment.	It is possible that analytical standards applied here will be applied also to bar private suits for monetary damages against states under Title II. However, in footnote 9 of the opinion, the Court indicated that Title I of the ADA is still applicable to the states, and can be enforced by the United States in actions for money damages.
<i>PGA Tour, Inc. v. Martin</i> , 532 U.S. 661 (2001)	May 29, 2001	Whether Title III of the ADA protects qualified entrants with disabilities participating in professional golf tournaments, and whether allowing a golfer with a disability to use a golf cart when all other competitors must walk would "fundamentally alter the nature" of the tournaments.	The concept of public accommodations should be construed liberally to afford people with disabilities equal access to a wide variety of establishments available to people without disabilities. Title III specifically identifies golf courses as a type of public accommodation. PGA Tour's golf tours and their qualifying rounds are covered by Title III of the ADA. The walking rule in golf is not an essential attribute of the game and waiving it will not, therefore, fundamentally alter the nature of the game.	Significant in guiding the application of the reasonable modification requirement in future cases. Professional sports and participants in them are covered by the ADA.



CASE	DATE RENDERED	QUESTION PRESENTED	HOLDING	IMPLICATION OF DECISION
<i>Buckhannon Board and Care Home, Inc. v. W.Va. Dep't of Health and Human Resources</i> , 532 U.S. 598 (2001)	May 29, 2001	Whether federal statutes that allow courts to award attorney's fees and costs to the "prevailing party" authorize awards of fees to parties whose lawsuits brought about voluntary changes in the defendants' conduct but did not result in judgments on the merits or court ordered consent decrees.	A judgment, consent decree, or settlement in a party's favor is required before attorney's fees will be awarded.	Significant turnaround from prevailing view and practices. Defendants will be able to moot an action before a judgment in an effort to avoid an award of attorney's fees, and plaintiffs with meritorious but expensive cases will be deterred from bringing suit.
<i>Toyota Motor Manufacturing, Kentucky, Inc. v. Williams</i> , 122 S.Ct. 681 (2002)	January 8, 2002	What is the proper standard for determining whether an individual is substantially limited in performing manual tasks.	The proper standard for demonstrating "a substantial limitation in the major life activity of performing manual tasks" is whether or not the impairment prevents or restricts performing manual tasks that are "of central importance to most people's daily lives" and has "permanent or long-term" impact. Being limited in performing a "class of manual activities," (i.e., activities affecting the ability to perform specific manual tasks at work) is an insufficient standard for meeting the definition of a qualified individual with a disability under ADA.	Suggests that Congress intended to create a demanding standard for meeting the definition of "disabled" and suggests that people must be visibly and functionally unable to perform in certain specific, socially expected ways before they are entitled to the protection of the ADA.
<i>EEOC v. Waffle House, Inc.</i> , 122 S.Ct. 754 (2002)	January 15, 2002	Whether an agreement between an employer and an employee to arbitrate employment-related disputes bars the EEOC from pursuing victim-specific judicial relief under the ADA.	An arbitration agreement does not bar EEOC from pursuing victim-specific judicial relief on behalf of an employee.	Limits an employer's ability to keep disputes out of courts and partially reverses last year's ruling in which the Court said that an employee's signature on an employment contract containing an arbitration agreement waives an employee's right to go to court on their own behalf. Affirms EEOC's ability to assist people with disabilities in asserting their civil rights protections in the workplace.

SUPREME COURT DECISIONS INTERPRETING THE AMERICANS WITH DISABILITIES ACT

CASE	DATE RENDERED	QUESTION PRESENTED	HOLDING	IMPLICATION OF DECISION
<i>Chevron U.S.A. Inc. v. Echazabal</i> ---- S.Ct.----, 70 USLW 4495, 70 USLW 4516, 13 A.D. (2002)	10-Jun-02	Whether the Americans with Disabilities Act of 1990 permits a regulation of the Equal Employment Opportunity Commission authorizing refusal to hire an individual because his performance on the job would endanger his own health, owing to a disability.	The Equal Employment Opportunity Commission regulation authorizing refusal to hire an individual because of this performance on the job would endanger his own health owing to a disability did not exceed the scope of permissible rulemaking under the ADA.	This holding supports the Equal Employment Opportunity Commission's interpretation of the ADA's implementing regulations under title I that an employer may screen potential workers with disabilities for risks on the job to his or her own health or safety.
<i>Barnes v. German</i> , 2002 WL 1305773 (U.S.) (2002)	17-Jun-02	Whether punitive damages may be awarded in private suits brought under section 202 of the American with Disabilities Act of 1990 and section 504 of the Rehabilitation Act of 1973, as amended.	Punitive damages may not be awarded in private suits brought under section 202 of the Americans with Disabilities Act of 1990 and section 504 of the Rehabilitation Act of 1973, as amended.	This holding closely mirrors holdings by the Court interpreting Title VI of the 1964 Civil Rights Act that punitive damages may not be awarded in private suits.