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Supreme Court Considers Limits of Disability Law

By Charles Lane
Washington Post Staff Writer
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The 1990 Americans with Disabilities Act protects the disabled against discrimination in the workplace. But a question remains: Just how disabled do you have to be to qualify for protection under the law?

The Supreme Court wrestled with that issue today in the case of Ella Williams, a Kentucky assembly line worker who says Toyota fired her because her painful carpal tunnel syndrome made it impossible for her to do a job that involved repetitiously polishing cars. The company should have given her an alternative position as the law requires, she argues.

A federal district judge dismissed her claim, but a Cincinnati-based federal appeals court sided with Williams, holding that her inability to perform manual tasks on the assembly line constituted a disability under the law.

Toyota, supported by the Bush administration, asked the Supreme Court to review that decision, contending that Williams's inability to perform manual tasks on an assembly line is not the kind of broad physical impairment the ADA was intended to cover.

The stakes in the case are large, both to the many thousands of Americans who suffer from conditions similar to Williams's and to businesses, which fear that a ruling in her favor could expose them to a wave of costly litigation.

Justices today seemed generally wary of embracing Williams's case.

"Clearly Congress didn't think it was covering half the population. . . . Do you think someone who can't make constant use of flexion and extension of her elbow – that's enough to bring her into the category of the handicapped?" Justice Antonin Scalia asked Robert L. Rosenbaum, Williams's attorney.

"I can assure you that this is not simply a sore wrist case," Rosenbaum replied.

Justice Sandra Day O'Connor wondered whether Williams's complaints hadn't already been addressed by the workers' compensation system, suggesting that the ADA wasn't meant to replace that long-standing remedy for "someone who gets a bad back ... or tendinitis."

Rosenbaum said that a successful workers' compensation claim could be "probative but not preclusive" of an ADA lawsuit.

O'Connor asked John G. Roberts Jr. if the court should try to decide the case by looking at what Williams "cannot do, still can do, or both?"

"Both," Roberts replied, suggesting that Williams cannot be considered disabled because despite her problems with manual tasks at work she can still brush her teeth, do housework, and other activities involving gripping and using tools.

The case is *Toyota v. Williams*, No. 00-1089. A decision is expected by July.

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