

Published on *The National Law Review* <https://natlawreview.com>

Employer Did Not Violate FEHA By Denying Employee Disability Retirement Benefits

Article By:

Anthony J Oncidi

[*Lowry v. Port San Luis Harbor Dist.*, 109 Cal. App. 5th 56 \(2025\)](#)

John Lowry was employed as a harbor patrol officer before suffering a permanently disabling on-the-job injury. His treating psychiatrist concluded that Lowry suffered from PTSD as a result of the accident and was not fit to return to work and instead should be “medically retired.” Lowry was subsequently terminated because he could not perform the essential job duties of Harbor Patrol Officer III with or without accommodation. Lowry sued for disability discrimination under the FEHA based on the District’s denial of disability retirement benefits. The trial court granted summary judgment to the District on the ground that disability retirement “does not qualify as a term, condition, or privilege of employment.” The Court of Appeal affirmed. *See also Mandell-Brown v. Novo Nordisk Inc.*, 2025 WL 718890 (Cal. Ct. App. 2025) (trial court properly granted employer’s motion for summary after plaintiff failed to file an opposition after receiving two continuances to do so).

© 2025 Proskauer Rose LLP.

National Law Review, Volume XV, Number 97

Source URL: <https://natlawreview.com/article/employer-did-not-violate-feha-denying-employee-disability-retirement-benefits>