

## EEOC Sues Sushi at the Lake for Disability Discrimination

Article By:

U.S. Equal Employment Opportunity Commission

---

### ***Cornelius Restaurant Unlawfully Refused to Hire Applicant Because of Amputated Arm, Federal Agency Charges***

CHARLOTTE, N.C. - Greenhouse Enterprise, Inc., dba Sushi at the Lake, which operates a restaurant in Cornelius, N.C., violated federal law when it refused to hire a job applicant because of his disability, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit filed today.

According to the EEOC's complaint, Matthew Botello's left arm was amputated above his elbow around November 2010. On or about Oct. 4, 2013, Botello applied to work as a busboy (or "busser") at Sushi at the Lake, and on Oct. 10, Botello was told to report to the restaurant to work the following day. Shortly after Botello arrived on Oct. 11, the restaurant's owner saw that Botello's left arm had been amputated. The EEOC said that the owner gestured at Botello's left side and told Botello that he could not bus tables because he had only one arm. Although Botello told the owner that he had bussed tables at another restaurant, the owner told Botello he could not work and to leave Sushi at the Lake.

Such alleged conduct violates the Americans with Disabilities Act (ADA), which protects applicants and employees from discrimination based on their disabilities. The EEOC filed suit in the U.S. District Court for the Western District of North Carolina Charlotte Division (*EEOC v. Greenhouse Enterprise, Inc. d/b/a Sushi at the Lake*, Civil Action No.3:14-cv-00569 after first attempting to reach a voluntary pre-litigation settlement through its conciliation process. The EEOC seeks back pay, compensatory damages, and punitive damages, as well as injunctive relief.

"Employers need to understand the importance of treating people equally despite whatever physical challenges they may face," said Lynette A. Barnes, regional attorney for the EEOC's Charlotte District Office. "In this case, we allege that Mr. Botello was not hired because of assumptions made about his abilities based on his arm amputation. Employers must be careful not to violate federal law by making assumptions about people with disabilities."

© Copyright U.S. Equal Employment Opportunity Commission

---

Source URL: <https://natlawreview.com/article/eeoc-sues-sushi-lake-disability-discrimination>