

## Alcoholic Employee's Suit Dismissed Because He Could Not Prove He Was Disabled

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A federal district court dismissed the discrimination claims of an alcoholic individual who claimed that his former employer refused to rehire him after he completed alcohol rehabilitation. *Alexander v. Washington Metropolitan Area Transit Authority*, No. 12-cv-1959 (D.D.C. March 10, 2015).

Alexander was a former employee of the **Washington Metropolitan Area Transit Authority** ("WMATA") who suffered from alcoholism for many years. In April 2007, Alexander tested positive on an alcohol test and was suspended and referred to the Employee Assistance Program. He was required to submit to periodic alcohol tests as a condition of his reinstatement. In January 2009, Alexander again tested positive for alcohol at work. His employment was terminated.

After completing an alcohol treatment program, Alexander reapplied for several positions at WMATA in April or May 2010, August 2011 and October 2011. He was not hired. Alexander filed a complaint with the Equal Employment Opportunity Commission, alleging that he was not hired because of his alcohol dependency, in violation of the Rehabilitation Act of 1973.

Alexander did not argue that he was disabled because he had a record of an impairment, or because he was "regarded as" disabled. Rather, he argued that he was disabled because he had a physical or mental impairment that substantially limited one or more major life activity. Specifically, he claimed that he had an impairment (alcoholism) that affected major life activities (ability to care for himself, walking, concentrating and sleeping). However, the court held that his claim failed because he did not establish how his alcoholism substantially limited any of those activities. His conclusory assertions alone were insufficient to establish that he was "an individual with a disability" and the court entered summary judgment on behalf of WMATA.

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