

JURY AWARDS DISABLED FEDERAL WORKER \$3 MILLION

A District of Columbia federal jury today awarded \$3 million to Lisa Bremer, a disabled federal employee, who worked at the U.S. Department of Commerce until the Department revoked her right to telecommute. Ms. Bremer, who was diagnosed with multiple sclerosis in 1991, worked successfully from home for eight years as a federal lawyer at Commerce by working from home two days a week. During that time, Ms. Bremer was consistently rated "outstanding" and received numerous performance awards. The jury found for the plaintiff on her claim that the Department failed to provide her a reasonable accommodation required by law when the Department revoked Ms. Bremer's accommodation. Under the provisions of the Rehabilitation Act, the award will be reduced to \$300,000

Ms. Bremer, formerly a GS-15 attorney in the Economic Development Administration's (EDA) Office of Chief Counsel, was forced to leave on disability retirement after Commerce took away her reasonable accommodations. Commerce's own Medical Officer stated Ms. Bremer's accommodations were reasonable and medically necessary, but Commerce rescinded them anyway.

Commerce hired Ms. Bremer in 1987. In 1990, she began experiencing difficulty walking and was soon, at the age of 29, diagnosed with MS. Within a few years, Ms. Bremer had to rely on a cane. By 1994, Ms. Bremer had to rely on a walker. By 2002, Ms. Bremer had to rely on a wheelchair. In 1991, Commerce approved Ms. Bremer's physician's request that it accommodate her by placing her on a flexible work schedule. In 1993, Commerce approved the request of Ms. Bremer's physicians that she be permitted to telecommute two days per week. In 1996, Commerce purchased a motorized scooter for Ms. Bremer to use in the office, because of the rapid deterioration of her walking ability. Ms. Bremer's physicians considered these accommodations essential given the severity of Ms. Bremer's MS. In 2001, Commerce demanded Ms. Bremer provide medical documentation to justify her need for a telecommuting schedule, despite knowing that she had multiple sclerosis (MS) and had received "outstanding" performance ratings and performance awards for years. Ms. Bremer provided the requested medical documentation.

In November 2001, Commerce's own Chief Medical Officer found that Bremer's medical documentation provided "very strong support" for the continuation of Ms. Bremer's telecommuting schedule. Commerce revoked Ms. Bremer's right to telecommute in February 2002, despite the advice of its own Medical Officer.

Following the advice of her doctors, who feared her condition was worsening, Ms. Bremer did not return to work without these medically needed accommodations. She was forced to retire on federal disability in April 2003. "I had to bring this case not just for myself, but for other federal workers," Ms. Bremer said. She continued, "All I ever wanted was to serve as a lawyer for the federal government. I did that successfully for 15 years." Ms. Bremer concluded, "When the Commerce Department took away telecommuting to me happen to others." Joseph V. Kaplan, lead attorney for Ms. Bremer said, "The Federal Government is supposed to be a model employer. The Commerce Department drove Ms. Bremer from the workforce and destroyed her career when all she

wanted to do was continue working as an outstanding lawyer. The jury verdict sends rights of disabled employees will be protected.”

Bruce A. Fredrickson, co-counsel in the case, stated that “This verdict comes on the heels of the 15th anniversary of the Americans With Disabilities Act. It is a shame to see a high performing federal employee forced out of work when the Government could have easily accommodated her need for telecommuting.”

Ms. Bremer was represented by Washington D.C. lawyers Joseph V. Kaplan, of Passman & Kaplan, P.C. (202-789-0100) and Bruce Fredrickson of Webster Fredrickson & Brackshaw (202-659-8510).