

Won Summary Judgment and an Appeal from the Judgment on a Worker's Compensation Retaliatory Discharge Lawsuit

In 2019, Jennifer won summary judgment and then an appeal of a worker's compensation retaliatory discharge lawsuit. The plaintiff had filed a worker's compensation claim asserting that she suffered from an allergic eye condition due to mold in the workplace. One year after going on medical leave, and after settling her worker's compensation claim, the employee sought to return to work with a general "fit to work" medical release from a general practitioner. The employer refused to return her to work until she produced a note from an allergist stating that it was safe for her to return to work since she would be returning to the same work environment that she claimed had mold problems which caused her eye condition in the first place. Plaintiff failed to produce the note. The court found that the employee could not establish that the reason that she was not returned to work was due to her filing a worker's compensation claim and found that the employer's insistence on a note from an allergist stating that it was safe for her to return to work was a reasonable condition for her returning to work.

PROFESSIONALS

Jennifer A. Murphy
Partner

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