

**Federal Court Report**  
  
**Employee Responsible for Breakdown in ADA Interactive Process**

7/26/2022

By [William D. Deveney](mailto:deveney@elarbeethompson.com) - Elarbee, Thompson, Sapp & Wilson, LLP  
*A member of* [*Worklaw® Network*](http://www.worklaw.com)  
  
An employee's failure to provide requested medical information about his condition and subsequent failure to respond to his employer's communications about possible accommodations entitled the employer to summary judgment on a reasonable accommodation claim, according to a federal district court.

The plaintiff, an inside sales representative, informed his employer that he was experiencing anxiety attacks, was on medication and was physically ill. During a call with the employer's vice president and its HR manager, the employee acknowledged that his position required him to be in the office and that working from home was not an option. Nonetheless, the employee submitted a note from his doctor stating that the employee might "benefit from work accommodations such as work-from-home opportunities."

Upon receipt of the doctor's note—which the federal court would characterize in its decision as "vague and lacking in detail"—the HR manager solicited input from the employee's managers regarding whether the essential functions of the employee's position required his presence in the office or whether he could perform his duties from home. The HR manager also provided the employee with a copy of his job description and sought more detailed information from the employee's doctor about the extent of the employee's disability and possible accommodations.

Thereafter, the employer made several attempts to contact the employee, including twice providing him with forms to apply for Family and Medical Leave Act time off and short-term disability leave, but the employee ceased communicating with the employer. After approximately 22 "days of silence" during which the employee failed to report to work and exhausted all available paid leave, the employer terminated his employment.

The court held that it was clear from the evidence that it was the employee who stopped participating in the interactive process. Despite representing to the employer that he would obtain the requested information from his doctor—which the employee neither objected to nor otherwise expressed concern with—the employee failed to do so. In contrast, the HR manager responded promptly to each of the employee's communications.

As such, the court found, the employer ultimately was "left waiting and expecting to receive additional information … to enable it to evaluate what accommodations would be needed." But because the employee "did not provide the necessary medical information" and the employer "could not proceed further in the interactive process" without it, the court concluded that "no reasonable jury could find that [the employer] was at fault for the breakdown in the interactive process."

*Doyle v. Senneca Holdings Inc*., W.D. Penn., No. 20-1293 (April 27, 2022).

**Takeaway:** An employer must make a good-faith effort to assist an employee who seeks a reasonable accommodation for a disability. Under applicable 3rd Circuit law, an employer can demonstrate that it participated in the interactive process in good faith in several ways, including by meeting with the employee who requested an accommodation, requesting information about the condition and what limitations the employee has, asking the employee what the worker specifically wants, showing some sign of having considered the employee's request, and offering to discuss available alternatives if the request is too burdensome. While the interactive process can be slow and trying at times, the employer in this case was able to prevail by showing that it engaged in good faith in each of those steps, even though it never had the opportunity to propose—or refuse—an actual accommodation because the employee abandoned the interactive process.

*William D. Deveney is an attorney with* [*Elarbee, Thompson, Sapp & Wilson, LLP*](https://worklaw.com/firms/elarbee-thompson-sapp-wilson)*, the Worklaw® Network member firm in Atlanta.*