

Saiber Obtains Arbitration Award in Disability Discrimination Case

May 16, 2012

In April 2012, Saiber successfully obtained an arbitration award in favor of a long-term care and medical services provider located in Jackson, New Jersey. The claimant, the healthcare provider's former Business Office Manager, alleged that she was terminated in violation of the Law Against Discrimination ("LAD") after telling her supervisor that she was taking medication for anxiety during an annual performance review. The provider denied that the claimant made any such disclosure to her supervisor and further denied that the decision to terminate claimant was based on such disclosure in whole or in part.

The arbitrator found that the claimant had failed to prove a *prima facie* case of disability discrimination. The arbitrator also concluded that the provider had a legitimate, non-discriminatory reason for claimant's termination (poor performance combined with a poor attitude) and that claimant had failed to establish that this reason was a pretext for discrimination.

William F. Maderer and Melissa A. Provost represented the provider in this matter, including the presentation of witnesses at the two-day arbitration hearing and the preparation of the post-arbitration submission.