

Disability, Leave & Health Management Blog

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It Depends on Your Definition of "Has": Connecticut Appellate Court Rejects State Law "Perceived Disability" Claim.

The Connecticut law prohibiting discrimination against an individual who has a “physical disability” does not create a cause of action for discrimination by someone who does not have, but is perceived to have, a physical disability, according to the Connecticut Appellate Court. [*Desrosiers v. Diageo*](#) (Aug 14, 2012). The Court noted that the state law prohibiting discrimination based on “mental disability” specifically includes those “regarded as” having a mental disability within its definition, while the definition of “physical disability” does not have the “regarded as” term.

Prior to this decision, state trial courts had split on whether the Connecticut Fair Employment Practices Act (CFEPA) had created a cause of action for perceived physical disability.

Jackson Lewis LLP submitted an amicus brief to the Court on behalf of the Connecticut Business & Industry Association, urging the Court to find that CFEPA did not create a cause of action for perceived physical disability.

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