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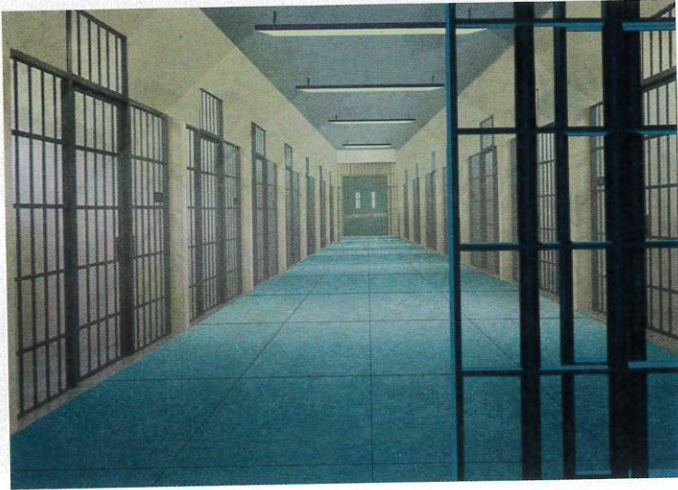


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EMPLOYMENT LAW

Failure to provide accommodation for corrections officer

While working as a corrections officer at the Macomb Correctional Facility, Darrin Rushing, 40, suffered a shattered ankle and leg and PTSD after an inmate assaulted him. He returned to work and was later offered a prisoner counseling job so he would not have to interact with the inmate. Several years later, however, a new warden ordered Rushing back to his previous position, where he had to be present near his attacker in the dining hall. Rushing suffered a panic attack.

His request for a restraining order against the inmate was denied. Rushing suffered another panic attack when he was again forced to go to the dining hall while the inmate was present. After presenting a doctor's note stating that he could not be around the inmate, Rushing was charged with insubordination and subsequently received a five-day suspension, which was extended another seven days after he had a verbal encounter with his supervisor. Rushing returned to constant harassment from his supervisor, including being falsely accused of pouring detergent down a drain.

As a result of various disciplinary actions against him, Rushing was denied numerous promotions and transfers.

He sued the Michigan Department of Corrections, alleging that it failed to provide him with an accommodation and subjected him to an adverse employment action for failing to perform job requirements that he would have been able to perform had he received the accommodation.

The jury awarded approximately \$1.26 million.

CITATION: *Rushing v. Mich. Dep't of Corr.*, No. 2019-001635-CD (Mich. Cir. Ct. Macomb Cty. Apr. 12, 2022). **PLAINTIFF**

COUNSEL: AAJ member Jonathan R. Marko, Detroit. **PLAINTIFF**

EXPERTS: Barry Grant, economics, Southfield, Mich.; Gerald Shiener, psychiatry, Birmingham, Mich.; and Jennifer Heinz, psychology, Flint, Mich. **DEFENSE EXPERTS:** Calmeze Dudley, forensic psychiatry, Troy, Mich.; and Frank Stafford, economics, Ann Arbor, Mich.