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The Mental Health Crisis Entering the Workplace

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Federal and state law have long included requirements that employers accommodate employees with mental health conditions under certain circumstances. Employees are increasingly raising and litigating these concerns. There has been a significant increase in Post Traumatic Stress Disorder (PTSD) and related mental health claims. This article contains an overview of recent court decisions concerning this issue to assist employers in addressing such accommodation requests in the workplace.

Employers in the private sector are required under Title I of the Americans with Disabilities Act (ADA) to protect people with disabilities, including mental health disabilities, from discrimination in the workplace. The ADA recognizes certain mental health conditions as qualifying disabilities. See 29 CFR 1630.2(h) "Mental impairment means ... (2) Any mental or psychological disorder, such as an intellectual disability ... organic brain syndrome, emotional or mental illness, and specific learning disabilities"). Some states have heightened requirements. There has been an increase in claims under the ADA based upon stress-related disorders, addiction-related issues, and PTSD. Employers should be prepared for an increasing number of employee challenges and litigation related to these ADA requests.

Plaintiffs have recently been able to survive motions for summary judgment in such cases when the courts have found questions of fact as to whether the accommodations requested were reasonable. For example, in *Wedgeworth v. McDonough*, 2025 U.S. Dist. LEXIS 41623, *17-18 (ND AL Mar 7, 2025), the plaintiff argued that being in-person was "not essential to the job of a social worker assigned to the department and that allowing the plaintiff to telework would have enabled the plaintiff to perform her job."

While the court recognized that the plaintiff provided self-serving statements that she could work remotely, it also found that "the defendant has failed to come forward with evidence, let alone overwhelming evidence that in-person presence in the Veterans Affairs (VA) emergency department is an essential component of the job of a social worker assigned to the department." As such, the defendant's motion for summary judgment was denied, and the case was permitted to move forward.

In August 2025, however, after providing the pro se plaintiff with the opportunity to prove the essential element of her claim at a bench trial, the *Wedgeworth* court granted the defendant's motion for judgment under Rule 52(c) of the Federal Rules of Civil Procedure, holding that the plaintiff failed to introduce evidence to show that working remotely as a VA emergency department social worker for the duration of the pandemic would have been reasonable. In so holding, the court noted that the Rehabilitation Act does not require an employer to eliminate an essential function of an employee's job in order to accommodate their disability. Plaintiffs have also survived motions to dismiss in several litigations in 2025 concerning claims of discrimination based on mental health disabilities. One such action was *McSweeney v. Cohen*, 776 F. Supp. 3d 200, 235-236, 250 (SDNY Mar 31, 2025), which involved the recasting of one of The Real Housewives of New York. In *McSweeney*, the court noted that the plaintiff plausibly alleged that she had a mental health disability of "bipolar, depression, and anxiety disorders," "extreme anxiety and depression," and "PTSD-induced Obsessive Compulsive Disorder," and that the defendants knew of this before she was cast. It was also noted that the defendant's motion did not dispute that plaintiff suffered an adverse employment action with the recasting. In connection with plaintiff's allegations concerning her reasonable accommodation request, "accepting plaintiff's pleading as true, her request to attend an Alcoholics Anonymous (AA) meeting [while filming the show on location in Thailand] could have been accommodated without unreasonable hardship or expense," and as such, the claim has been allowed to proceed forward. It is noteworthy that the plaintiff's disability discrimination claim survived the motion to dismiss, as most of the other counts in the 33-count complaint against the defendants were dismissed in March 2025.

A motion to dismiss was also denied in *Harper v. Sw. Airlines Co.*, 2025 U.S. Dist. LEXIS 170112, *17-18 (D NV Aug 30, 2025), which involved a plaintiff who sought medical leave because of panic attacks. The court noted that while the defendant approved of the leave, when the plaintiff returned from leave and then sought additional leave and was terminated within the same week, this "timing could raise a plausible inference that [defendant] terminated [plaintiff] because of her mental health disability."

On the other hand, there have been several cases in 2025 where claims of discrimination based upon mental health disabilities were summarily dismissed. Courts have evaluated claims as to what constitutes a mental health disability, focusing on "facts showing that these disabilities have an impact on a major life activity." See *Calvert v. Allosource*, 2025 U.S. Dist. LEXIS 256814, *14 (D CO Dec 11, 2025) (holding claims of peripheral neuropathy without showing an impact on major life activity are insufficient to be considered "disabled within the meaning of the ADA"). Courts have also noted that vague statements about being discriminated against based upon mental disabilities, without support, are subject to dismissal. See *Durance v. Sch. Bd. of Glades County*., 2025 U.S. Dist. LEXIS 217378, *2 (MD FL Nov 3, 2025) (dismissing the claim, holding that such an "allegation, unaccompanied by any factual support, does not plausibly demonstrate a statutorily protected expression"); *Cassel v. Truss Communications, Inc.,* 2025 U.S. Dist. LEXIS 200022, *1-2 (ND OK Oct 9, 2025) (dismissing the ADA claim, finding that the complaint failed to specify any mental health condition that the plaintiff has that would qualify as a disability under the ADA).

Employers are not expected to be mind-readers. Indeed, courts have focused on employees' need to request accommodation for their mental health in order to move forward with disability discrimination claims. In *Cardenas v. N.Y. Queens Med. & Surgery P.C.*, 2025 U.S. Dist. LEXIS 222845, *22-29 (EDNY Nov 12, 2025), the court reviewed claims of failure to accommodate plaintiff's manic episodes. The court held that the "allegedly discriminatory interactions (i.e., being asked to work overtime, using a new records system, and being accused of not answering the phone) did not arise from discriminatory animus regarding plaintiff's mental health disability." Further, the court described that "it is the responsibility of the individual with a disability to inform the employer that an accommodation is needed" and "rather than seek an accommodation, plaintiff resigned his position. Contrary to plaintiff's contention, his employer had no duty to proactively accommodate him by refusing to allow him to resign." See *also Cameron v. Lagrange Coll.,* 2025 U.S. Dist. LEXIS 210597, *51-52 (GA ND Jul 25, 2025) (recommending summary judgment motion be granted for defendants on the plaintiff's failure to accommodate claim under the ADA because plaintiff did "not identify any reasonable accommodation that she requested from [defendant] that would allow [her] to perform her job, nor has she presented any evidence that [defendant] failed to provide the requested accommodation").

Employers should keep in mind that they are only required to reasonably accommodate employees' disabilities when the employees are able to perform the essential functions of their positions, with or without the accommodation. For example, in *Fowlkes v. United States DOD*, 2025 U.S. App. LEXIS 32321, *19 (6th

Cir. Dec 8, 2025) the court reviewed whether an accommodation for scheduling flexibility to attend doctor appointments was sufficient to render the plaintiff able to perform an essential function of his job of communicating with others, in light of his documented outbursts and inability to communicate professionally with contractors and colleagues. The plaintiff made a vague request for his supervisors to recognize that he had PTSD and help him "be successful with it" but “rejected supervisors' attempts to provide additional, individualized support to minimize adversarial encounters and help him de-escalate confrontations.” The court found the request for scheduling flexibility to be reasonable but affirmed that the plaintiff “did not meet his burden of showing that he could perform the essential communication functions of the engineering job with his proposed accommodations.” It noted that the plaintiff's “colleagues had to monitor and correct his communications with contractors, and [plaintiff] was unable to communicate with contractors and coworkers in an appropriate manner, which hindered [plaintiff]'s ability to liaise with contractors and solve problems as an engineer.” Thus, the court affirmed the dismissal of the mental health disability claim. Similarly, in *Castillo v. Bondi*, 2025 U.S. Dist. LEXIS 113452, *19-20 (SD TX Jul 12, 2025), the plaintiff requested a reduced workload. The complaint allegations show that her "reduced workload … meant that she would work on only one task at a time, without hard deadlines. That was essentially a request to be relieved of the essential functions of her position, which is beyond what the U.S. Attorney's Office was required to do.” Instead, the defendant approved her request for leave-without-pay status, which was found to be a reasonable accommodation, “even if it was not plaintiff's requested or preferred accommodation.” As such, the court found that plaintiff's allegations fail to state a claim.

In addition to these 2025 cases, several others are still pending. Some of these focus on a lack of support for the claimed mental health disability. In *Nicole Cherubini v. Shaker Motors, Inc.,* filed in the U.S. District Court, District of Connecticut (25-cv-01623), plaintiff alleges that she “requested a single ‘mental-health day’ from her supervisor” and that rather “than engage in the interactive process, Shaker Motors' Human Resources coded her request as ‘walking out/voluntary abandonment,’ refused to treat it as an accommodation or protected leave, and directed that her employment be terminated.” The plaintiff argued that the request was reasonable and would not have caused her employer any undue hardship, claiming that she was “discriminated and retaliated against, and her disability was a motivating factor in the termination of her employment.” This litigation is pending. Similarly, *in Damian Brown v. City of Los Angeles*, pending in the U.S. District Court, Central District of California (25-cv-1215), the plaintiff claims that he was constructively discharged, citing a negative

performance review and denial of job protections following his request for mental health disability-related support.

Employers in the higher education sector should also be aware of pending matters involving lack of support in addressing mental health accommodations. In *John Doe v. Albany Law School, et al.,* filed in the U.S. District Court, Northern District of New York (25-cv-1450), the plaintiff claimed that the defendants, rather "than treating his disclosures of mental health struggles and remorse for misconduct as an opportunity for rehabilitation, defendants weaponized those disclosures to justify expulsion."

A different matter involving an institution of higher learning is *Alison Schmeck v. Yale University, et al.,* filed in the U.S. District Court, District of Connecticut (25-cv-792). The plaintiff in *Schmeck* alleges that her supervisor referred to her "deteriorating mental health as 'baggage,' and then directly following this comment in that same meeting, told plaintiff to leave Yale several times by telling her to 'go somewhere else.'" Plaintiff asserts that "instead of taking ownership of her own actions, Dr. Leffert terminated plaintiff for requesting an accommodation for her mental health."

Employers should also be cautious when responding to requests for mental health disability-related leaves of absence. In *Brett Watson v. Ragle Incorporated*, pending in the U.S. District Court, Northern District of Texas (25-cv-667), the plaintiff alleges that "the hostile work environment created by defendant's retaliatory conduct, combined with the personal trauma and financial stress from his inability to save his pet, had severely exacerbated plaintiff's documented mental health conditions." He further alleges that the request for personal time off was a "mental health accommodation that employer ignored before terminating."

Another pending case involving an employee's request for leave is *Meagan T. Copelin v. Texas Department of Family and Protective Services* filed in the U.S. District Court, Southern District of Texas (25-cv-04502). In this matter, the plaintiff "requested mental health leave as an accommodation due to severe anxiety, sleep disturbances, and trauma" following an incident. She alleges that she was thereafter forced to resign due to intolerable psychological impact.

Another focus of such litigations is employers' alleged failure to engage in the interactive process in addressing reasonable accommodation requests, which the ADA requires. In *Marquita Binion v. City of Evanston*, pending in the U.S. District Court, Northern District of Illinois (25-cv-12078), the plaintiff describes herself as a "qualified individual with documented mental health and physical disabilities, including PTSD, anxiety, and depression." She alleges that she was suspended after she "disclosed her documented mental health conditions of depression and anxiety and requested help" and that the employer failed to provide a written decision in connection

with the “mental health accommodation request and failed to engage in the interactive process.”

In addition, in *James Fornes v. Apple Inc.,* filed in California State Court, LA County (25STCV31559), the plaintiff alleges that he “began experiencing significant and escalating mental health and emotional issues, including severe anxiety, daily panic attacks, chronic insomnia, and major depression,” which he disclosed to his managers. When it was revealed that he had the highest case load amongst his coworkers, plaintiff alleges that his employer “failed to initiate any formal interactive process or offer reasonable accommodations” and that his “managers trivialized plaintiff's symptoms by suggesting superficial 'band-aid' measures, such as 'take a spa day' or 'use a mental health day,' without addressing the root cause – his unmanageable caseload.” Plaintiff further claims that “defendants discriminated and retaliated against plaintiff after he disclosed that he was struggling with work-related mental health challenges and that he intended to take a medical leave of absence.”

As illustrated by the above actions, mental health disability and accommodation claims are quite prevalent today. These mental health issues are often not visible, nor do they always have any physical manifestation. To that end, employers need to be prepared to address requests that are made by employees they may not have known have mental health disabilities, and to engage in the interactive process with them to determine whether another accommodation is appropriate if the requested accommodation is determined to be unreasonable.

The burden is on the employee to make the disability and need for an accommodation known. When that burden is not met, many of these cases get dismissed. However, employers can run into liability issues when requests for accommodation are made and they do not realize they are required to engage in the interactive process with the employee whether or not what is originally requested is reasonable. In such cases, employers should consider whether another accommodation would be sufficient to meet the employee's disability-related need while the employee could continue to perform the position's essential job functions Outside counsel can assist employers in evaluating requests for reasonable accommodation related to employee mental health concerns. With the mental health crisis continuing, employers need to be prepared to address it with employees.

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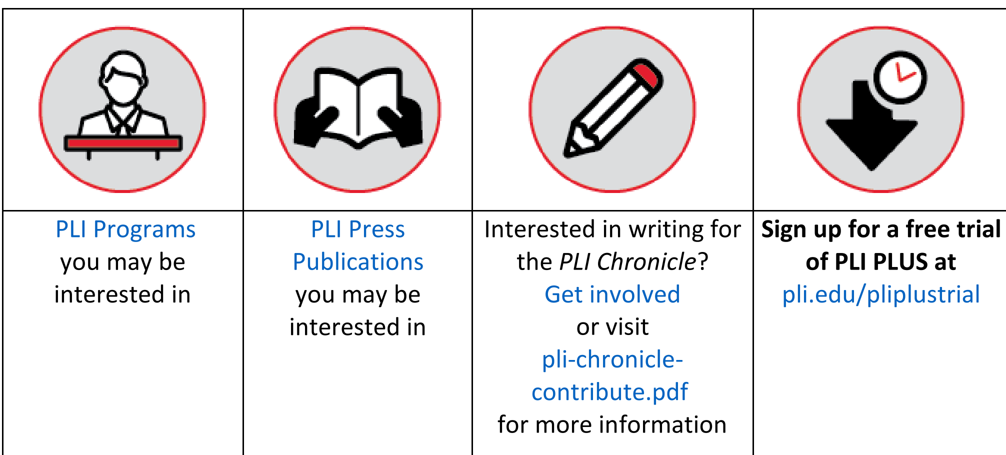

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