Not a close call: Claustrophobia isn't an ADA disability

Not every mental or physical condition is a disability under the ADA. That's because the ADA requires more than the diagnosis of a medical or psychiatric problem. To qualify as a disability, the condition must impair a major life function like walking, breathing, taking care of oneself or working.

Consider claustrophobia. Though the condition, which involves the inability to remain in a confined space such as an elevator, may be a legitimate psychiatric condition, it does not necessarily prevent those who suffer from it from living a relatively normal life.

Recent case: Rachel Rodriguez was a probationary police officer attending the New York City Police Department's police academy. While participating in a workshop on how to deal with emotionally disturbed persons, Rodriguez avoided taking the elevator. Later, she said it was because she didn't want to get on the elevator with several women she did not like.

Then supervisors asked Rodriguez if she was claustrophobic. She confessed she once had an unpleasant experience while stuck on an elevator. That prompted a psychological examination, after which the police department dismissed Rodriguez as unfit due to claustrophobia.

She sued under the ADA, alleging that the city fired her because of a perceived disability—claustrophobia. The court dismissed her lawsuit. It said the city merely believed that police officers, who often must crawl through tight spaces, cannot be impaired by claustrophobia. But since few jobs require the ability to work in tight spaces, claustrophobia would not substantially impair the ability to work at a wide range of jobs. That's the ADA test. (*Rodriguez v. City of New York*, No. 05-CV-5117, ED NY, 2008)

Final note: Rodriguez might have fared better had she sued under New York's state disability discrimination law. The New York state Human Rights Law does not require that a condition substantially restrict the performance of a major life activity, so claustrophobia might have qualified.