

April 23, 2010

Last week, a Helena state district court found in favor of Ms. Janelle McDonald, who sued the Montana Department of Environmental Quality for employment discrimination when it failed to provide a reasonable accommodation for her to use her service dog. Although Ms. McDonald had repeatedly requested carpet runners for slippery floors in the DEQ building in which she worked, DEQ failed to adequately respond. In the meantime, her service dog was injured when it fell on the slippery floors. Ultimately, Ms. McDonald was forced to stop using her service dog.

Last week's decision was issued after the Montana Supreme Court remanded the case for the district court to determine a series of issues, including whether the accommodation that Ms. McDonald had requested was reasonable. The district court affirmed the original determination by the administrative hearing examiner that the accommodation was reasonable, as it would have, at most, cost DEQ \$7,500 to \$8,000 to provide it. It also affirmed the examiner's award of damages of \$10,000 for emotional distress caused by DEQ's failure to accommodate her and \$18,000 for the loss of the services of her dog, Bess.

Ms McDonald is represented by former Disability Rights Montana staff attorney Phil Hohenlohe and current staff attorney Beth Brenneman.

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