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Blind man sues ex-employer

Alleging DaimlerChrysler wrongly let him go when he lost his sight, plaintiff seeks lost wages

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Lee Martin Sr. lost his sight in June 1999. Then he lost his job.

Next week, in a federal courtroom in Indianapolis, Martin will seek to prove DaimlerChrysler discriminated against him by letting him go because he was blind.

The 53-year-old Vietnam War veteran seeks lost wages -- and a better understanding of the blind's capabilities.

Forget "the 'Woe is me,' the 'Well, Lee lost his fight,'" Martin says. "Give the person an opportunity to demonstrate to you what they can do."

DaimlerChrysler, which closed its Indianapolis foundry in September 2005, declined to comment on the discrimination allegation.

"Certainly we sympathize with Mr. Martin. We realize he's had some difficulties and challenges," corporate spokesman Michael Palese said. "However, DaimlerChrysler believes we acted appropriately under the circumstances of this case."

Court records filed by DaimlerChrysler say the corporation declined to take Martin back at its Indianapolis foundry on the grounds that his blindness left him unable to perform any identified job without a threat to his own safety.

"A foundry is a very, very dangerous environment even for a perfectly enabled person," Palese said. "You've got molten metal rivers running through the middle of it. It isn't Disney World."

The legal case has gained the attention of national activists for the blind, who say sightless people still face the assumption that they are helpless. The president of the National Association of Blind Lawyers is working on the case.

Most disability cases never reach trial. The vast majority are settled or dismissed before they get to a courtroom.

Marc Maurer, the blind president of the National Federation of the Blind, likened Martin's situation to his own when he was told he should not work as a mechanic.

"They said, 'You might get your hands crushed,'" he said. "Well, I might. But the chances aren't any greater for me than they are for anybody else."

Nationally, blind people have won court victories against discrimination.

For example, a Harrisburg, Pa., federal jury last year awarded \$3 million to a blind woman who was fired from her job as head of Pennsylvania's agency for the blind and visually impaired.

Martin's claim of discrimination by DaimlerChrysler was dismissed by the Equal Employment Opportunity Commission, which cleared the way for him to file the federal suit. U.S. District Judge Sarah Evans Barker rejected both sides' request for summary judgment, ruling that the issues raised should be decided by a jury.

Martin brought his suit under the Americans With Disabilities Act, which bans employer discrimination based on disabilities.

Under the ADA, an employer unlawfully discriminates against a person with a disability by failing to make a reasonable accommodation of the individual's known limitations. In cases in which the disability renders the person unable to perform his or her old job, the burden is on the disabled person to identify a vacant position for which he or she is qualified.

Martin attorney Scott LaBarre, president of the National Association of Blind Lawyers, says Martin identified several such positions, but DaimlerChrysler failed to give approval.

Some experts nationally have questioned the impact of the ADA since its passage in 1990. But LaBarre, who practices in Denver, says the same could have been said of another law about 15 years after its passage.

"The Civil Rights Act in 1964 didn't make a big difference right away," he said.

No pity; tough love

Martin's descent into darkness began in 1980. An inflammation claimed the sight in his left eye.

In 1993, he went to work for DaimlerChrysler. The foundry technician often put in 70-hour workweeks and served as safety coordinator of his department. In his last full year of employment, he made about \$82,000, said Martin attorney Kathleen DeLaney.

Martin said he isn't sure what took his sight in the other eye in 1999, only that his vision turned foggy. Things looked like they do when you step out of a steamy shower, he said.

The condition improved with treatment. But one day that June, while he was backing out of his driveway to go to work at DaimlerChrysler, the blur returned. Martin parked the car and went back inside his house.

"That was the last time that I can honestly say that I've seen," he said.

Martin hoped his vision would return. When it didn't, he was scared. "I wouldn't even go outside my door at first." About a month after going blind, Martin called his mother in Muncie and told her what had happened.

If he expected pity, he got tough love instead.

"The Lord has his plan," Rosa Lee Cole told her son. "And his plan is one that you just have to follow."

"She told me that she had raised me to be a strong individual throughout my life," Martin said. "So for me to cry over spilled milk, that wasn't a part of the solution."

During a visit to a Department of Veterans Affairs hospital, Martin met another blind veteran who worked as a hospital volunteer. He told Martin about a rehabilitation program for blinded vets near Chicago.

At the Hines VA Hospital, Martin met more veterans, learned independent-living skills and operated machinery in an industrial room.

"I worked power drills, saws, lathes -- the type of equipment I wouldn't touch when I had sight."

Introduced to the local chapter of the National Federation of the Blind, Martin drew inspiration from its members. One blind person got his college degree after losing his sight as a teenager. Another taught special education.

By the fall of 2000, Martin's confidence was high. "I assumed that I would be able to come back to work."

Speaking out

In November 2000, the first of a series of meetings took place with DaimlerChrysler officials. To return to the foundry, Martin agreed to a test. He received a few minutes of instruction from a worker, then worked as filter operator for about 15 minutes.

The next time he would do the task was in December 2004, more than two years after DaimlerChrysler officially informed him that his employment at the foundry was over. The display, part of the discovery process connected to his lawsuit, was designed to show Martin could safely perform a foundry job.

This time, his lawyers brought along an expert in blind employment, who showed Martin techniques for safely navigating the equipment. LaBarre said Martin had "the real hang of it within a few minutes."

LaBarre says his client gave DaimlerChrysler officials every chance to understand his capabilities.

"Whether they had legitimate safety concerns or not, they just stopped listening," he said. "And they just closed the door on Lee Martin. They closed the door to the foundry to Lee Martin in March of 2002, and they didn't close it to others (foundry employees) until September of 2005."

Martin's experience has turned him into an advocate for the blind. He testified before the U.S. House of Representatives regarding a program that allows blind people to read newspapers from across the country. He does volunteer work for the National Federation of the Blind.

The grandfather of five also has a big personal event coming up: He's engaged to be married in June to Pamela Grace. He met her before he lost his sight, and she visited him in the rehabilitation hospital near Chicago.

Martin said his lawsuit goes beyond himself.

"It far exceeds Lee Martin," he said. "My voice is for others."