

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
SHREVEPORT DIVISION

SHALANA MOORE

CVA NO. \_\_\_\_\_

VERSUS

JUDGE: \_\_\_\_\_

CADDO PARISH SCHOOL BOARD

MAG. JUDGE HORNSBY

COMPLAINT

NOW INTO COURT, through undersigned Counsel, comes Plaintiff/Complainant, Shalana Moore, a major domiciliary of Shreveport, Caddo Parish, Louisiana, who represents as follows:

1.

Made Defendant herein is the Caddo Parish School Board, former employer of the Complainant, Shalana Moore.

2.

( JURISDICTION AND VENUE)

This is an action based upon the wrongful termination of Petitioner by the Defendant. As each Party is domiciled in Shreveport, Caddo Parish, Louisiana, and, as all of the acts alleged and to be presented to the Court occurred in Shreveport, Caddo Parish, Louisiana, this Court has jurisdiction and is the proper venue for the matter to be heard.

3.  
(CASE HISTORY)

Petitioner submits that she was employed by the Defendant as a teacher from August 27, 2013 to May 23, 2016.

4.

On May 31, 2016, Petitioner was terminated based upon her alleged “failure to grade papers,” alleged “willful neglect of duties,” and alleged excessive absences. Petitioner immediately appealed the Defendant’s decision and sought unemployment benefits as well.

5.

The Defendant challenged the Petitioner’s right to obtain unemployment benefits, arguing that the Petitioner’s alleged willful absences and failure to perform job duties, constituted misconduct, and, therefore, she did not qualify to receive benefits. The Louisiana Workforce Commission ruled in favor of the Petitioner, Shalana Moore, finding that she was not terminated for the reasons presented by the Defendant, and that she was, in fact, entitled to receive benefits. The Defendant, the Caddo Parish School Board, appealed the foregoing decision.

6.

During the appeals hearing before the LWC, the Administrative Law Judge determined:

- A. That, pursuant to the testimony of Mr. Charles Lowder, representative for the Caddo Parish School Board, the alleged “ungraded papers” were, purportedly, the sole reason for the Petitioner’s termination (though he consistently referred to “absences” by the Petitioner);
- B. That the Caddo Parish School Board provided no evidence, including no testimony from the assigned principal or anyone else, to support the allegation that Petitioner failed to “grade papers,” etc.;
- C. That the Caddo Parish School Board failed to present any evidence of any of alleged misconduct;
- D. That the Caddo Parish School Board provided no warnings or notice to the Petitioner that any alleged, substandard work could or would lead to her termination;
- E. And that, based on the failure of the Caddo Parish School Board to fully support its claims, Petitioner, Shalana Moore, was, in fact, qualified to receive benefits.

7.  
(APPLICABLE LAW)

Petitioner submits that the “failure to grade papers,” and “willful neglect of duty” allegations were mere pretext, as the Defendant sought to terminate the Petitioner due to her ongoing need to care for a child with a known disability.

8.

Petitioner has a minor son who was diagnosed as a Type 1 Diabetic during his elementary school years, and during the time she worked as a Teacher for the Defendant. The minor child had difficulty adjusting, and required glucose monitoring throughout the day, to ensure he remained at safe levels.

9.

Though a special accommodation plan and paraprofessional was assigned to her son, he still experienced great difficulty during the 2016-2017 school year, which ultimately required the Petitioner's extensive involvement. Petitioner made every effort to provide the support needed for her son, and to fulfill her job duties. This included alerting the school officials when she needed to be off; preparing lesson plans and providing class assignments for herself and any substitute teacher required, and seeking leave of absence pursuant to the Defendant's guidelines.

10.

By March of 2016, the Defendant's son required her full time care, and she was granted an extended leave of absence from March 11, 2016- May 23, 2016. It was during this period that the Defendant moved to terminate the Petitioner – which she submits is in direct violation of the American's With Disabilities Act (“ADA”).

11.

As was established in the case of Hartman v. Lafourche Parish, Hosp., 262 F. Supp. 3d 39, 398 (E. D. La. 2017), the ADA prohibits “relational or associational discrimination,” which is proven when the following elements are present:

- a) The plaintiff was “qualified” for the job at the time of the adverse employment action;
- b) The plaintiff was subjected to adverse employment action;
- c) The plaintiff was known by his employer at the time to have a relative or associate with a disability; and
- d) The adverse employment action occurred under the circumstances raising a reasonable inference that the disability of the relative or associate was a determining factor in the employer’s decision.

12.

With regard to the instant case, and as was set forth in Hartman, Plaintiff was “qualified” for the job based on her being hired for the position initially. The Petitioner suffered no physical disability, loss of license or anything else which rendered her unfit for the position. Further, the last evaluation she received prior to her termination was “effective/proficient,” which is the second highest rating a teacher could receive at that time. Petitioner remained gainfully employed from

August 2013, with no work related suspensions or warnings, until her unlawful termination in 2016.

12.

With regard to whether plaintiff was subject to an adverse employment action, the answer is “yes,” in that she was not only terminated, but also challenged when she made the necessary effort to maintain some form of income through the use of unemployment benefits. As was discussed in Paragraphs 6 and 7 above, Plaintiff was determined not to have committed any misconduct which contributed to her termination, and was rightfully awarded the unemployment benefits to which she was entitled.

13.

With regard to the Defendant’s knowledge of the Petitioner’s son’s disability, the minor child was diagnosed as a Type 1 Diabetic in August 2012, after suffering with frequent urination/incontinence and other issues during the school day. The minor child was age 10, grade 5 and a student at Herndon Elementary School in Caddo Parish, Louisiana, but was suddenly coming home with soiled clothes, and receiving disciplinary action because of his ongoing requests to use the restroom. These actions led to the discovery of his condition, and he has been a Caddo Parish student with Section 504 IAP (Individual Accommodation Plan) since 2012.

14.

The IAP is specifically created by the School Building Level Committee (SBLC) for a child with a medically documented need, and is ultimately shared with, approved and stored by the Caddo Parish School Board through the director of its 504 division. Further, the IAP follows the child to any school he or she attends, and must be reviewed and updated annually, or as often as needed. As such, the Petitioner's principal and the Caddo Parish School Board were aware of the Petitioner's son's disability. Petitioner, as the child's mother, was actively involved in his care, and was a regular participant in the meetings required for her son; she personally notified school and district level administrators of the issues she and the child faced.

15.

The last element required under Hartman v. Lafourche Parish, Hosp. is that "the adverse employment action occurred under the circumstances raising a reasonable inference that the disability of the relative or associate was a determining factor in the employer's decision." As the records held by the Louisiana Workforce Commission and the Caddo Parish School Board will show, the Defendant did not move to terminate the Petitioner until after she sought, and

was ultimately granted, extended leave to care for her son. During the LWC hearings, Mr. Lowder clearly testified that had the Petitioner “not been at her son’s school she could have been present” at her job to “grade papers,” etc. Petitioner submits that it is more than reasonable to infer, that her son’s disability was a determining factor in the Defendant’s decision to terminate her.

16.

Based on all of the above, Petitioner submits that the Defendant wrongfully terminated her in violation of the Americans With Disabilities Act. As a result of their actions, Plaintiff suffered both professionally and privately. She suffered the public shame of being fired, which remains a part of her professional portfolio to date. Further, she and her family have suffered mental and emotional distress, loss of income, and loss of enjoyment of life.

17.

In February 2017, Petitioner filed her EEOC Complaint against the Defendant alleging discrimination and retaliation under the ADA. The Notice of Suit Rights was issued on May 9, 2018, and was received by Plaintiff on May 12<sup>th</sup>.

18.

Trial by Jury is demanded.



19.

Based on all of the above, and after the Defendant has been duly served and all delays and hearings are had, Plaintiff prays for Judgment in her favor and against the Defendant, compensating her for the loss and damages she suffered, together with interest from the date of demand, and all costs associated with the prosecution of this case.

Respectfully submitted:

/s/ Reshonda L. Bradford

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