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Legal Sidebar

Stanley v. City of Sanford: Supreme Court Rejects Retiree's Americans with Disabilities Act Claim

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On June 20, 2025, the Supreme Court issued its opinion in *Stanley v. City of Sanford*. The Court held that a retired firefighter could not pursue a claim, under the Americans with Disabilities Act (ADA), that her employer discriminated against her with respect to her retirement benefits. In reaching this conclusion, the Court determined that the ADA generally applies only to job applicants and employees, not retirees who neither hold nor desire a job. The decision resolved a division between circuit courts on how to apply the ADA. The Court's ruling separates ADA claims from several other types of employment claims, as retirees may bring claims under Title VII of the Civil Rights Act of 1964, which bars employment discrimination based on race, sex, and religion.

Background

The plaintiff in *Stanley* developed Parkinson's disease and retired after 19 years of working as a firefighter for the City of Sanford. If she had been able to work for 25 years, as she had planned, she would have received medical benefits until the age of 65. City employees on disability retirement, as the plaintiff found herself, got two years of medical benefits. She sued, alleging disability discrimination. The district court concluded that her suit could not go forward, citing circuit precedent barring retirees' ADA claims. In the district court's view, the plaintiff faced the alleged harm—reduced health care benefits—only *after* she left a job. The U.S. Court of Appeals for the Eleventh Circuit (federal appeals courts are hereinafter referenced by their number or jurisdiction alone) affirmed, but it acknowledged a circuit split: the Sixth, Seventh, and Ninth Circuits also would bar a nonemployee from claiming discrimination; the Second and Third Circuits would allow a retiree to sue. The Supreme Court granted certiorari to resolve the split.

The Court's Decision in *Stanley*

The ADA language at issue in *Stanley* bars employers from "discriminat[ing] against a qualified individual on the basis of disability," including in "compensation," such as retirement benefits. The statute

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defines a "qualified individual" as "an individual who ... can perform the essential functions of the employment position that such individual holds or desires."

In a textual analysis, Justice Gorsuch, writing for the Court in *Stanley*, concluded that the ADA does not cover alleged discrimination against *former* employees. The statute protects someone who "can perform" the job she "holds or desires"—and it uses the present tense, the Court observed. According to the Court, the verb tense suggested that the statute does not reach retirees.

Other parts of the ADA referencing an "employee or applicant" underscored the statute's limits, in the Court's view. The ADA's requirements for reasonable modifications also seem aimed at current employees and applicants, as they cover, for example, "existing facilities" and training materials.

The Court contrasted the ADA with other federal statutory schemes, including Title VII of the Civil Rights Act of 1964, which also addresses employment discrimination. The majority conceded that, in prior cases, the Court had construed Title VII to protect some former employees, but the Court in *Stanley* observed that Title VII has a different structure. It applies to "employees" defined without any temporal qualifier. The statute also does not contain the present-tense limiters "holds or desires" or "can perform," as does the ADA.

The Court additionally determined that the ADA's limitation on retiree suits did not inevitably conflict with the statute's protective purposes. A statute that allowed retiree claims over benefits might, the Court hypothesized, motivate employers to eliminate post-employment disability benefits, lest they be compared with non-disability benefits in a discrimination suit. All in all, the Court concluded that "[i]f Congress wishes to extend [ADA's] Title I to reach retirees ..., it can" in future legislation.

The majority's reading of the ADA was fatal to the plaintiff's claim in *Stanley*, as at the time she faced the lost benefits, she was neither an employee nor an applicant seeking a job, nor could she perform "the essential functions of her job" (hence her early retirement).

Other Opinions in *Stanley*

Stanley produced fractured opinions among the Justices, with multiple concurrences and dissents. Some of the disagreement centered on which arguments were legitimately before the Court in the plaintiff's case. Justice Gorsuch, in a section of his opinion joined by three other justices, considered whether plaintiff could present a theory that she faced preretirement discrimination. He pointed out that the plaintiff was diagnosed with Parkinson's disease years *before* she retired. Accordingly, she spent time, before her retirement, as a "qualified individual" working with a disability. The plaintiff did not, however, raise these facts in her complaint, and she did not preserve the argument on appeal. In the view of Justice Gorsuch and the three Justices joining this portion of the opinion, the plaintiff could not now raise the theory that she suffered discrimination as a disabled worker, preretirement. Some other, future plaintiff, Justice Gorsuch acknowledged, might be able to make a case that discriminatory retirement benefits harmed them as a current employee.

Some Justices would have addressed the argument that the plaintiff made, after the Court granted certiorari, that she suffered discrimination even before her retirement. Under this theory, she earned medical benefits during her employment, was diagnosed with a disability, and suffered discrimination at that point: the harm of reduced retirement benefits.

Justice Thomas, joined by Justice Barrett, wrote a concurrence to express his concern with "the increasingly common practice of litigants urging this Court to grant certiorari to resolve one question, and then, after we do so, pivoting to an entirely different question,"—in *Stanley*, the theory of preretirement discrimination. In Justice Thomas's view, the plaintiff had attempted a post-certiorari "bait-and-switch."

Justice Sotomayor also wrote an opinion, concurring in part and dissenting in part. She would have allowed some cases like the plaintiff's to proceed. "[W]hen an employer makes a discriminatory change in postemployment benefits that a retiree earned while qualified and employed, the employer discriminates against the person in her capacity as a qualified individual," she explained. Justice Sotomayor took the view, however, that the plaintiff had not appropriately presented a theory of pre-retirement discrimination.

Justice Jackson wrote a dissent, joined in part by Justice Sotomayor, rejecting the majority's analysis as using a "distorted lens of pure textualism." In her view, the ADA's "qualified individual" provision was meant to identify capable workers—those who could perform the work—and to make it clear that employers did not need to hire disabled workers who could not complete all the essential functions of the job. In Justice Jackson's view, the "qualified individual" provision should not be used, "out of context," as a time limit on potential discrimination claims. The ADA's text does not address the timing issue, she wrote, and the Court's reliance on one provision's verb tense detached that provision from the ADA's overall scheme.

While Justice Jackson disagreed with the Court's ultimate conclusion that the ADA does not reach post-employment discrimination, she also disagreed with its view of the facts. In her view, the plaintiff suffered potential discrimination *before* retiring, when she became disabled and thus subject to the two-year limit on medical coverage. Even if the Court decided not to take that view of the facts before it, Justice Jackson opined, it should have dismissed certiorari as improvidently granted and allow for another case, one of true post-employment discrimination, to decide the ADA's scope.

The Court's ADA reading also was inconsistent, in Justice Jackson's assessment, with its ruling on a similar statute, Title VII. In a previous case, *Robinson v. Shell Oil Co*., she pointed out, the Court allowed former employees to sue. The Court concluded that the word "employees," as used in Title VII, covers former employees. In Justice Jackson's view, both Title VII and the ADA are unclear in whether they reached post-employment discrimination. The *Robinson* Court considered the context and purpose of the Title VII, and Justice Jackson would have done the same for the ADA. Justice Jackson concluded by observing that "there is hope for a legislative intervention to fix the mistake the Court has made."

The ADA in Context

In *Stanley*, the Court's decision relied on the ADA's unique language to reach a result that makes the ADA's scope narrower than those of other employment discrimination statutes. The decision is notable because courts often construe the ADA to align with other antidiscrimination statutes, including Title VII.

As indicated previously, the Supreme Court ruled in *Robinson*, a Title VII case, that at least some former employees could bring employment discrimination claims. In that case, a former employee accused his employer of racial discrimination. When he applied for a new job, he claimed that the employer gave him a poor recommendation—in retaliation for his discrimination complaint. The *Robinson* Court concluded that the term "employees" as used in Title VII was ambiguous but, as there was no temporal qualifier in the text that would exclude former employees, they could be included. Furthermore, the Court pointed to a part of the statute allowing for "reinstatement ... of employees," which clearly reached former employees. The Court also pointed out that barring the plaintiff's complaint in that case would "undermine the effectiveness of Title VII by allowing the threat of postemployment retaliation to deter victims of discrimination from complaining to the EEOC, and would provide a perverse incentive for employers to fire employees who might bring Title VII claims."

Since *Robinson*, courts have applied its rule to cover many former employees under Title VII, even those whose claims do not include retaliation. The Court also has interpreted the "terms, conditions, or privileges" of employment protected under Title VII to include post-employment benefits.

Standing alone, without the textual differences *Stanley* identified, this history might suggest that the ADA and Title VII afford the same protections. The ADA was based on Title VII; lawmakers aimed to set up "civil rights protections for persons with disabilities that are parallel to those available to minorities and women" in Title VII. The ADA appears to borrow some language directly from Title VII. It bars discrimination "against a qualified individual on the basis of disability in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment." This echoes Title VII's bar on discrimination for "any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin."

Additionally, in defining ADA enforcement, Congress incorporated Title VII by reference, affording litigants "[t]he powers, remedies, and procedures set forth" in Title VII. This provision, read alone, would seem to afford broad standing to claim the protections of the ADA. It assigns Title VII powers, remedies, and procedures for "any person alleging discrimination on the basis of disability in violation of any provision of this chapter." Courts have called the ADA and Title VII "sibling statute[s]" and "cognate statutes." As such, for example, at least one court held that *Robinson* overruled its prior rule barring ADA claims from former employees.

However, as discussed above, in *Stanley* the Court concluded that the ADA's use of "qualified individual" supported a divergence from Title VII. Under the ADA, retirees are not "qualified individuals" eligible to bring discrimination claims. This result also means that ADA retirees stand apart from workers claiming age discrimination. Retirees may bring claims of discrimination under the Age Discrimination in Employment Act, even if the discrimination occurred in benefits changes after their retirement.

Both the majority and dissenting opinions pointed out that the case's outcome hinged on the text, and that Congress could change the result by amending the ADA. If Congress did choose a legislative change, it could specify that retirees may bring claims over post-employment disability discrimination, or it could provide for a broader class of former employees to bring discrimination claims.

Stanley's Likely Effects on Disability Litigants

Stanley does not bar all post-employment disability discrimination claims. For one thing, on top of protections for qualified individuals, the ADA protects "any individual" against the harm of retaliation or reprisals for pursuing a discrimination claim. This provision protects ADA litigants even outside of employment and is in a title separate from the Title I employment provisions that *Stanley* construed. Accordingly, *Stanley* likely would not bar an ADA claim brought by the plaintiff in *Robinson*—someone who suffered post-employment retaliation for a discrimination claim. Other courts have allowed such actions, and while the *Stanley* Court did not directly address the issue, it acknowledged that the ADA's retaliation provisions, protecting "any individual," are different from its employment protections for a "qualified individual." "That Congress used different language in these two provisions strongly suggests that it meant for them to work differently," the Court explained.

Outside of retaliation claims, *Stanley* changes former employees' access to disability antidiscrimination protections—at least in those circuits that had allowed former employees to sue under ADA. As *Stanley* illustrates, excluded claims include retirees suing over retirement benefits. There are other examples in pre-*Stanley* case law. The Seventh Circuit applied the rule subsequently adopted in *Stanley* to a group of disabled retirees left out of a cost-of-living increase given to nondisabled retirees. Further, the same court ruled that another retiree could not pursue her claim that her employer violated the ADA by subjecting retirees with mental disabilities to benefits limits not imposed on those with physical disabilities. A different court employed the rule to reject a former employee's challenge to a cap on benefits for AIDS-related treatment. Following *Stanley*, this ADA limitation applied by some lower courts applies nationwide.

Beyond retirees, some observers have suggested that the Court's interpretation in *Stanley* could make it harder for testers to file suit. Testers are people who apply for a job only to check compliance. For example, two testers, one without a disability and one with a disability, may submit similar resumes to see if they receive similar treatment. Employers, post-*Stanley*, may argue that testers are neither employees nor people who desire the jobs they applied for.

The Court's interpretation of the ADA will also likely affect other, related disability antidiscrimination statutes. The Rehabilitation Act, which protects federal executive employees, incorporates ADA standards. Courts often apply ADA rules to Rehabilitation Act cases; courts have stated that cases interpreting the two statutes are "interchangeable." Congressional employees fall under the Congressional Accountability Act (CAA). The CAA incorporates portions of the Rehabilitation Act and the ADA, and the *Stanley* ruling may create some confusion for CAA disability claims. The CAA prohibits discrimination based on "disability, within the meaning of" the ADA and cross-references the ADA provisions covering a "qualified individual." The CAA separately defines protected employees, however, as including "former employees."

Employer representatives and others calling for restrictions on retirees' ADA suits have applauded the rule's promise of benefits flexibility. "As local governments are looking for cost-saving mechanisms to balance budgets, some may need to cut costs by reducing or eliminating post-employment benefits for disability retirees," one explains. Changes in post-employment benefits, another postulates, may come from demographic changes or budget problems, rather than disability animus.

Others have pointed out that the ADA contains a separate provision for curbing benefits costs. The ADA does not "prohibit or restrict" benefits plans "that are based on underwriting risks, classifying risks, or administering such risks," as long as there is no "subterfuge to evade" the ADA. Accordingly, a benefits plan need not cover all disabling conditions or cover different conditions equally. There are, in addition, other laws (including state laws and the Employee Retirement Income Security Act of 1974 (ERISA)) that govern benefits and insurance. Some argue these are better suited for regulating post-employment issues such as medical coverage.

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