

# ADA Disability Expansion—*Simon v. Univ. Hosps. Cleveland Med. Ctr.*: The Limit on Claims of Substantial Limitation

RACHEL SMITH\*

|  |     |
|--|-----|
| I. INTRODUCTION .....  | 433 |
| II. THE HISTORY OF RELEVANT CASE LAW .....   | 434 |
| III. <i>SIMON V. UNIV. HOSPS. CLEVELAND MED. CTR.</i> .....                                  | 437 |
| IV. <i>SIMON</i> AND THE DEPARTURE FROM THE SIXTH CIRCUIT’S STANDARD FOR MEDICAL PROOF ..... | 438 |
| V. FUTURE CONCERNS FOLLOWING <i>SIMON</i> .....  | 440 |

## I. INTRODUCTION

The Sixth Circuit Court of Appeals (“Sixth Circuit”) in *Simon v. University Hospitals Cleveland Medical Center* expanded the definition of “disability” under the Americans with Disabilities Act (“ADA”)<sup>1</sup> beyond the traditional standards of proof.<sup>2</sup> The plaintiff, Yazmin Torres-Duqum (“Torres”), brought an ADA failure-to-accommodate claim after her employer denied her request to transfer to a different department, following workplace gossip related to her recent

---

\* Research Editor, Volume 57, and Staff Member, Volume 56, *The University of Memphis Law Review*; Juris Doctor Candidate, The University of Memphis Cecil C. Humphreys School of Law, 2027; B.S., History, Mississippi College; B.A., Literature, Mississippi College. I would like to express my gratitude to God for gifting me the joy of writing. I am also thankful to my friends and family, whose support sustains me. Finally, I extend my sincere thanks to the members of Volume 56 of *The University of Memphis Law Review* for their invaluable insight on this piece.

1. 42 U.S.C. § 12102(1).  
 2. *Simon v. Univ. Hosps. Cleveland Med. Ctr.*, 2025 U.S. App. LEXIS 618, at \*6 (6th Cir. 2025).

miscarriage.<sup>3</sup> Torres stated that such gossip traumatized her, triggered her anxiety and PTSD, and ultimately argued that these episodic symptoms substantially limited her major life activities.<sup>4</sup> Without examining whether the medical evidence established an actual, substantial limitation, the Sixth Circuit reasoned that a court should look beyond work to other major life activities,<sup>5</sup> holding that the analysis of substantial limitations should not be confined to working alone.<sup>6</sup>

While the Sixth Circuit correctly acknowledged that the ADA's 2008 amendments expanded the scope of disability, it misapplied the standard by permitting the claim to survive summary judgment despite minimal evidence of functional impairment, disregarding that the burden of proving a disability rests with the plaintiff.<sup>7</sup> In doing so, the Sixth Circuit blurred the distinction between ordinary workplace dissatisfaction and a legally cognizable disability, thereby expanding the ADA's protections in a manner that risks inviting speculative or attenuated claims. Part II of this Comment will review the relevant case law outlining the Sixth Circuit's prior decisions on ADA failure-to-accommodate claims after the 2008 amendments. Part III will examine the Sixth Circuit's new reasoning in *Simon v. Univ. Hosps. Cleveland Med. Ctr.* Part IV analyzes the potential consequences of the court's shift in approach, and Part V will reflect on the court's departure from the ADA's intended standard.

## II. THE HISTORY OF RELEVANT CASE LAW

Discrimination against otherwise qualified individuals with disabilities was the central concern that prompted Congress to enact the ADA in 1990.<sup>8</sup> The scope of those protections shifted with the ADA

---

3. *Id.* at \*2–6.

4. *Id.* at \*3.

5. *Id.* at \*10–12.

6. *Id.* at \*11.

7. See James Concannon, *Mind Matters: Mental Disability and the History and Future of the Americans with Disabilities Act*, 36 LAW & PSYCH. REV. 89, 112 (2012) (analyzing the amended ADA and its impact on individuals with mental disabilities).

8. See Philip A. Kilgore & John T. Merrell, *Redefining "Disabled": The ADA Amendments Act of 2008*, 21 S.C. LAW. 24, 25 (2009) (providing an overview of the ADA Amendments Act of 2008 and identifying the Act's purpose).

Amendments Act of 2008, enacted by Congress in response to case law that had construed the definition of “disability” too narrowly and significantly limited the statute’s envisaged reach.<sup>9</sup> Under the ADA, a person is considered disabled if they have “a physical or mental impairment that substantially limits one or more major life activities of such individual.”<sup>10</sup> When a disability is temporary or fleeting, the scope of coverage is less clear, but regulations dictate that “not every impairment will constitute a disability.”<sup>11</sup> The ADA nevertheless provides that episodic conditions may still qualify as disabilities “if [the conditions] would substantially limit a major life activity when active.”<sup>12</sup> However, impairments that are merely transitory and minor do not qualify for protection under the ADA<sup>13</sup>

Before the 2008 amendments to the ADA, the Sixth Circuit consistently held that personality conflicts, workplace stress, or difficulty interacting with coworkers did not rise to the level of “disability” or inability to work under the ADA.<sup>14</sup> In the 2007 case *Fricke v. E.I. Dupont Co.*, the Sixth Circuit elucidated that an ADA claim did not survive summary judgment because of the employee’s inability to interact with colleagues and his failure to provide medical release forms.<sup>15</sup> After the enactment of the ADA amendments, the Sixth

---

9. ADA Amendments Act of 2008, Pub. L. No. 110–325, 122 Stat. 3553, 3554 (rejecting standards articulated in *Toyota Motor Manu. Kentucky, Inc. v. Williams*, that strictly interpret the terms “substantial” and “major,” as doing so misapplies congressional intent).

10. 42 U.S.C. § 12102(1)(A).

11. *Cook v. Warren Screw Prods.*, 2025 U.S. App. LEXIS 7307, at \*10 (6th Cir. 2025); 29 C.F.R. § 1630.2(j)(1)(ii).

12. 29 C.F.R. § 1630.2(j)(1)(vii).

13. *See id.* § 1630.2(g)(1)(iii).

14. *See, e.g., Fricke v. E.I. Dupont Co.*, 219 F. App’x 384, 390 (6th Cir. 2007) (holding that the mere incapability of working with others due to personality conflicts could not rise to the level of a disability); *Hostettler v. Coll. of Wooster*, 895 F.3d 844, 854 (6th Cir. 2018) (finding that episodic mental conditions qualify as a disability); *Morrissey v. Laurel Health Care Co.*, 946 F.3d 292, 299 (6th Cir. 2019) (holding that being substantially limited in individual’s everyday life was enough to constitute a disability when there was sufficient evidence); *Tchankpa v. Ascena Retail Grp., Inc.*, 951 F.3d 805, 812 (6th Cir. 2020) (holding that an employee must provide medical documentation to their employer and prove that the accommodations relate to their disability).

15. *Fricke*, 219 F. App’x at 390.

Circuit signaled a shift in its approach in *Hostettler v. College of Wooster*, which expanded the definition of “disability” to include episodic mental conditions, such as postpartum separation anxiety.<sup>16</sup> The *Hostettler* court relied on evidence that included medical expert testimony insisting that a modified work schedule was medically necessary, the plaintiff’s actualization of that need through a formal request for reduced work hours, and corroborating testimony from a former coworker.<sup>17</sup> In *Morrissey v. Laurel Health Care Co.*, the Sixth Circuit reasoned that evidence sufficient to establish a substantial limitation at summary judgment may include a showing of severe pain during work, an affidavit of the plaintiff’s daughter describing her mother’s inability to function at home, or a submission of a physician’s notes detailing an inability to work at full capacity.<sup>18</sup> Furthermore, the *Morrissey* court held that pre-amendment case law on what constitutes a disability was rendered bad law and no longer controlling.<sup>19</sup>

Less than one year later, the Sixth Circuit further asserted in *Tchankpa v. Ascena Retail Group, Inc.*, that an employee must show evidence that a requested accommodation relates to their disability and must provide satisfactory medical documentation to their employer.<sup>20</sup> Additionally, the court reasoned, “an employee’s failure to provide requested medical documentation supporting an accommodation precludes a failure to accommodate claim.”<sup>21</sup> The Sixth Circuit reaffirmed this standard in *Wilson v. Ohio Dep’t of Mental Health*, reasoning that the plaintiff is “saddled with the burden”<sup>22</sup> of communicating to their employers a reasonable accommodation that will overcome the substantial limitations inhibiting their work.<sup>23</sup> Further, the court opined that the requested accommodation must show a physician’s support,

---

16. *Hostettler*, 895 F.3d at 853–54.

17. *Id.* at 854–55.

18. *Morrissey*, 946 F.3d at 300, 301 n.7.

19. *Id.* at 299.

20. *Wilson*, 951 F.3d 805, 812 (6th Cir. 2020).

21. *Id.*

22. *Wilson v. Ohio Dep’t of Mental Health*, 2024 U.S. App. LEXIS 20770, at \*7 (6th Cir. 2024).

23. *Id.*; *Cook v. Warren Screw Prods.*, 2025 U.S. App. LEXIS 7307, at \*11 (6th Cir. 2025) (finding the plaintiff’s impairment did not constitute a sufficiently limiting disability because he failed to provide a doctor’s note with “information about his medical condition or the severity of his symptoms”).

more substantial than merely the physician’s signature and description of the “nature of [the] disability.”<sup>24</sup> Thus, the Sixth Circuit has consistently required substantial medical evidence to establish that a disability exists under the ADA to withstand summary judgment.

### III. *SIMON V. UNIV. HOSPS. CLEVELAND MED. CTR.*

The 2025 Sixth Circuit case *Simon v. Univ. Hosps. Cleveland Med. Ctr.* arose from a civil claim brought by Torres against University Hospitals. Torres sued on the grounds that she was classified as “disabled” under the ADA and her employer, University Hospitals, failed to accommodate her as a disabled individual.<sup>25</sup> The district court held that Torres did not establish a prima facie case because she failed to “raise a genuine dispute of material fact as to whether [she] qualified as ‘disabled’ within the meaning of the ADA.”<sup>26</sup> The court’s reasoning hinged on Torres’ medical provider’s failure to supply evidence in the accommodation request paperwork showing that Torres’ disability affected other major life activities beyond working.<sup>27</sup> As a result, the district court concluded that the only limitation Torres had asserted was not returning to work at University Hospitals.<sup>28</sup>

Discrimination under the ADA includes “an employer’s failure to grant a reasonable accommodation to a disabled employee,” but the “plaintiff bears the initial burden of making out a prima facie case,” first by showing that they had a disability within the meaning of the ADA.<sup>29</sup> The district court concluded that the “only alleged major life activity that was limited by Torres’ asserted disability” was working at University Hospitals, and by the time Torres requested an accommodation, the sole limitation she communicated was her refusal to return to work.<sup>30</sup> Torres argued that her medical provider described her disability as limiting her focus—an ability necessary for her work.<sup>31</sup> She

---

24. *Wilson*, 2024 U.S. App. LEXIS 20770 at \*8–9.

25. *Simon v. Univ. Hosps. Cleveland Med. Ctr.*, 2025 U.S. App. LEXIS 618, at \*6–7 (6th Cir. 2025).

26. *Id.* at \*7.

27. *Id.*

28. *Id.* at \*9.

29. *Id.* at \*6–7.

30. *Id.* at \*8–9.

31. *Id.* at \*10.

further asserted that the district court failed to account for her testimony that her other major life activities were substantially limited.<sup>32</sup>

On appeal, Torres argued that the court's refusal to broaden its approach to ADA claims constituted an error because the court failed to evaluate her alleged limitations in other major life activities.<sup>33</sup> The Sixth Circuit agreed, concluding that Torres' testimony—that “following her miscarriage, she could not sleep, ‘function,’ or care for her children” and continued to experience panic attacks when she contemplated returning to work—demonstrated substantial limitations in major life activities outside of work.<sup>34</sup> University Hospitals argued that Torres did not qualify as disabled under the ADA because her condition amounted only to personality conflicts with coworkers.<sup>35</sup> Further, the hospital asserted the same reasoning as the district court, that the medical proof Torres submitted with her transfer request was perfunctory, detailing merely that she refused to return to work.<sup>36</sup> While the Sixth Circuit agreed that an inability to work with particular people does not rise to the level of a “disability” or inability to work for purposes of the ADA, it nevertheless concluded that Torres' limitations extended beyond the workplace.<sup>37</sup> Accordingly, the court reversed the district court's decision and held that the analysis of a substantial limitation on a major life activity should not be confined solely to working.<sup>38</sup>

#### IV. *SIMON* AND THE DEPARTURE FROM THE SIXTH CIRCUIT'S STANDARD FOR MEDICAL PROOF

A central issue remains unresolved in the Sixth Circuit's ADA case law—whether expanding the definition of disability by allowing claims to survive summary judgment with minimal evidence of a substantial limitation— and it risks creating uncertainty for employees and employers in future ADA litigation. Although the ADA Amendments Act sought to expand coverage to ensure that employees with physical

---

32. *Id.* at \*9–10.

33. *Id.* at \*8–9.

34. *Id.* at \*11.

35. *Id.*

36. *Id.*

37. *Id.* at \*11–13.

38. *Id.*

or mental impairments receive reasonable accommodations,<sup>39</sup> case law now allows employees to claim disability status even when providing only substandard medical proof to their employers.<sup>40</sup>

The Sixth Circuit has historically barred claims from proceeding beyond summary judgment when plaintiffs failed to provide sufficient medical documentation, concluding the absence of a medical release form is insufficient to establish that a plaintiff actually had a disability that substantially limited their capacity to work.<sup>41</sup> Even following the ADA Amendments Act, the court consistently upheld this reasoning, requiring that a plaintiff must provide satisfactory medical documentation to their employer when requesting accommodations on the basis of an asserted disability.<sup>42</sup> For example, in *Tchankpa*, the court opined that the employee bore the burden of presenting evidence that their request for accommodation related to their disability, and failure to do so precluded a finding of a disability.<sup>43</sup> Likewise, in *Morrissey*, the Sixth Circuit denied the employer's motion for summary judgment, finding that the employee *sufficiently* established a substantial limitation in her ability to work by providing a doctor's note, and that her claim of limitations in other major activities was supported by her daughter's affidavit.<sup>44</sup> Thus, a consistent standard for medical proof of disability would prevent attenuated claims by ensuring that plaintiffs demonstrate both the existence of a disability and that the employer is aware that the requested accommodation is related to that disability.

Even as the Sixth Circuit has expanded the ADA's definition of "disability," its precedent heavily relied on medical documentation to establish the existence of an impairment.<sup>45</sup> For example, in *Hostettler*, the court based its reasoning on the fact that the plaintiff provided expert testimony to her employer, which detailed the plaintiff's substantial limitation in connection with her request for a modified work

---

39. See Concannon, *supra* note 7, at 114 (discussing the purpose behind ADA expansion and the likely effects of such expanded coverage on individuals with mental disabilities).

40. *Simon*, 2025 U.S. App. LEXIS 618, at \*7.

41. *Fricke v. E.I. Dupont Co.*, 219 F. App'x 384, 389 (6th Cir. 2007).

42. *Tchankpa v. Ascena Retail Grp., Inc.*, 951 F.3d 805, 811 (6th Cir. 2020).

43. *Id.* at 811–13.

44. *Morrissey v. Laurel Health Care Co.*, 946 F.3d 292, 299–301 (6th Cir. 2019).

45. See *Hostettler v. Coll. of Wooster*, 895 F.3d 844, 849–50 (6th Cir. 2018).

schedule.<sup>46</sup> While the court broadened the definition of a disability under ADA claims to include plaintiffs suffering from episodic mental conditions, it did so *in reliance* on the plaintiff's submission of sufficient medical evidence.<sup>47</sup> Thus, even in expanding what constitutes a "disability" under the ADA, precedent continues to require a clear standard of medical proof of such disability.

However, in *Simon v. Univ. Hosps. Cleveland Med. Ctr.*, the Sixth Circuit broadened ADA disability coverage by permitting failure-to-accommodate claims to proceed even where the plaintiff merely requested an accommodation without providing a supporting medical basis.<sup>48</sup> Moreover, although the court has traditionally dismissed claims from employees who make an inadequate showing of a medical need for an accommodation, the current relaxed standard for "substantial limitation" might inadvertently broaden ADA disability coverage beyond what was originally intended.<sup>49</sup>

#### V. FUTURE CONCERNS FOLLOWING *SIMON*

This expansion blurs the boundary between workplace dissatisfaction and actual disability, extending the ADA's protections in a way that risks encouraging attenuated claims beyond the statute's intended purpose.<sup>50</sup> By departing from the precedent that required medical documentation to substantiate ADA claims, the Sixth Circuit signals to future plaintiffs that they can bring transitory and minor claims without medical documentation.<sup>51</sup>

In an attempt to broaden protections for individuals with disabilities under the ADA, the court's approach instead risks exposing employers to an influx of discrimination claims, even where employees neither provide medical documentation nor disclose a disability.<sup>52</sup> The

---

46. *Id.*

47. *Id.*

48. 2025 U.S. App. LEXIS 618, at \*8 (6th Cir. 2025).

49. *Id.*

50. *See generally* Concannon, *supra* note 7, at 113 (analyzing the expansion created by the amended ADA and the potential effects).

51. *But see* 42 U.S.C. § 12102(3)(B) (establishing that an impairment that is merely transitory and minor is *not* a disability).

52. *See* Kilgore & Merrell, *supra* note 8, at 26 (discussing how the ADA Amendments have expanded the definition of "disability").

2025

*ADA Disability Expansion*

441

court has now even allowed plaintiffs to revise medical documentation in retrospect, but as precedent correctly reasoned: “employees cannot justify accommodations for the first time during litigation, let alone on appeal.”<sup>53</sup> By allowing failure-to-accommodate claims to proceed absent adequate evidence, the Sixth Circuit has set a precedent that threatens to stretch the ADA beyond its intended goal to secure workplace equality and, instead, has created uncertainty for both employees and employers in assessing future accommodation claims.

---

53. *Tchankpa v. Ascena Retail Grp., Inc.*, 951 F.3d 805, 813 (citing *Melange v. City of Center Line*, 482 F. App’x 81, 86 (6th Cir. 2012)).