

# RESEARCH HIGHLIGHTS

## *Disability Policy*

Turnbull, H. R., & Stowe, M. (2000). Classifications, social contracts, obligations, civil rights, and the Supreme Court. *Remedial and Special Education*, 22(6), 374-382.

### BOTTOM LINE

*Sutton v. United Airlines* stemmed from the airline's refusal to hire twin sisters with severe myopia as commercial airline pilots. The airline refused because neither sister met its vision requirement for commercial pilots. The sisters sued, stating they were discriminated against because of their disability. They argued that they should be protected under the Americans with Disabilities Act (ADA). The U.S. Supreme Court ruled in the airline's favor. The ruling has many implications for the future rights of individuals with disabilities.

# Beach Center on Disability

Making a Sustainable Difference in Quality of Life



## TIPS

- Caregivers should know that lessening the effects of a disability with assistive technology might prevent the individual from receiving certain benefits under the law.
- Service providers should inform caregivers and others of the potential loss of benefits under current law if an impairment is relieved through technology.

## KEY FINDINGS

- The Court ruled in favor of the airline. It noted that when the twins wore corrective lenses, their vision was 20/20 or better and they were, therefore, not disabled. Since the twins were not disabled, they were not protected under ADA.
- ADA protects people with disabilities from discrimination. Unfortunately, those who benefit from mitigation are no longer protected.
- The Court concluded that Congress did not intend to protect “all those whose uncorrected conditions amount to disabilities.” Merely having a condition (such as HIV or severe myopia) does not qualify a person for protection under ADA.
- United Airlines did not reject the sisters from all jobs at the airline, just as commercial pilots. The Sutton ruling confirms that an individual does not have a right to a specific job.
- The ruling supports the employer in determining the functions of a job and, therefore, the qualifications of any job seeker. In short, the Court favored the interest of institutions rather than individuals.
- This ruling could have a chilling effect on the use of technology. Many technologies can mitigate disabilities so the user is no longer eligible for benefits guaranteed by current disability policy.
- Because of the Sutton ruling, it is our recommendation that service agencies and providers inform parents that assistive technologies may make the child ineligible for certain legal protection and benefits.

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- The Sutton ruling made it very clear that the Court is willing to challenge the scope of the Americans with Disabilities Act and the authority behind it.

## RELATED PUBLICATIONS

Glendon, M.A. (1991). *Rights talk*. New York: The Free Press.

Gliedman, J., & Roth, W. (1980). *The unexpected minority: Disabled children in America*. New York: Harcourt Brace Jovanovich.

Minow, M. (1990). *Making all the difference: Inclusion, exclusion, and American law*. Ithaca, NY: Cornell University Press.

Rothman, D.J. (1980). *Convenience and conscience: The asylum and its alternatives in progressive America*. Boston: Little, Brown.

Rubenstein, L. & Levy, R. (1996). *The rights of people with mental disabilities*. Carbondale and Edwardsville: Southern Illinois University Press.

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