

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

CAROLE SOLLOWAY,

Plaintiff,

v.

MARY JO WHITE

as Chairman of the Securities and
Exchange Commission,

Defendant.

CIVIL ACTION FILE
NO. 1:13-CV-3827-TWT

ORDER

This is an employment discrimination action in which the Plaintiff seeks to recover damages under the Rehabilitation Act and Title VII of the Civil Rights Act of 1964. It is before the Court on the Report and Recommendation [Doc. 123] of the Magistrate Judge recommending that the Defendant's Motion for Summary Judgment [Doc. 110] be granted. The Plaintiff is employed as an accountant by the SEC. For the reasons set forth in the thorough and well-reasoned Report and Recommendation, she was not a qualified individual under the Rehabilitation Act if she was unable to be present in her office to work in order to avoid contact with another agency employee. Her request to work full time as a tele-worker was unreasonable and exposed the agency to undue hardship. The fact that the SEC has allowed the Plaintiff to work as

a full time – five days a week – tele-worker since 2014 does not mean that the law required that previously. The Plaintiff is not entitled to be paid monetary damages because the government has bent over backwards to accommodate her disability. The Plaintiff's Objections to the Report and Recommendation are without merit. The Court approves and adopts the Report and Recommendation as the judgment of the Court. The Defendant's Motion for Summary Judgment [Doc. 110] is GRANTED.

SO ORDERED, this 24 day of March, 2017.

/s/Thomas W. Thrash
THOMAS W. THRASH, JR.
United States District Judge