

*William R. Downing, Jr. v. Department of Finance and Administration, an Agency of the State of Arkansas; Bob Haugen, in his Individual and Official Capacity; and David Justice, in his Individual and Official Capacity*, In the United States District Court for the Eastern District of Arkansas Western Division, Case No. 4:15-CV-570-DPM

William Downing's employment with DFA as a Surplus Property Agent was terminated in 2014. Following the termination, Downing filed a lawsuit in the United States District Court for the Eastern District of Arkansas.

Mr. Downing's complaint and amended complaint against the Defendants was for (1) failure to accommodate under the ADA, (2) failure to accommodate under 504 of the Rehabilitation Act, (3) retaliation under the ADA, (4) retaliation under 504 of the Rehabilitation Act, (5) failure to provide FMLA leave, (6) retaliation for taking FMLA leave, and (7) failure to reinstate under the FMLA. Mr. Downing's amended complaint requested compensatory and liquidated damages, punitive damages, various declaratory judgments against DFA, reinstatement or front pay, and reinstatement of state retirement.

The court dismissed the claims for failure to provide FMLA leave and retaliation for FMLA leave. The court also dismissed the retaliation claim under the Rehabilitation Act. The court also dismissed all claims against Bob Haugen and David Justice in their individual capacity. The claims left for trial were as follows:

- FMLA failure to reinstate;
- ADA/Rehab Act discrimination;
- ADA/Rehab Act failure to accommodate;
- Rehab Act retaliation.

Trial began on April 2, 2018. At the recommendation of the attorneys from the Office of the Attorney General, DFA agreed on the final day of trial, April 5, 2018, to an offer from the Plaintiff to settle. That agreement, which is expressly conditioned on legislative approval, was finalized on April 26, 2018.