UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

SURESH BALACHANDRAN,	§	
	§	
Plaintiff,	§	
	§	
VS.	§	CIVIL ACTION NO. 4:20-CV-1078
	§	
VALVTECHNOLOGIES, INC.,	§	
	§	
	§	
Defendant.		

MEMORANDUM OPINION AND ORDER

I. INTRODUCTION

Pending before the Court is the defendant's, Valvtechnologies, Inc. ("Valvtech"), motion for summary judgment (Docket No. 30). The plaintiff, Suresh Balachandran, filed a response in opposition to Valvtech's motion (Docket No. 37), and Valvtech filed a reply (Docket No. 38). Nevertheless, after carefully considering the motion, the response, the pleadings, the record, and the applicable law, the Court determines that Valvtech's motion for summary judgment should be **GRANTED** in part and **DENIED** in part.

II. FACTUAL BACKGROUND

In 2011, Valvtech hired Balachandran to work as a Quality Assurance Engineer Manager. In July of 2018, Balachandran requested time away from work pursuant to the Family Medical Leave Act ("FMLA") because his mother was disabled and without adequate care. Valvtech approved his request, and he remained on leave for two months. During that time, Balachandran's supervisor, Michael Teele, initiated the process for Valvtech to terminate Balachandran's employment. On or about September 23, 2018, Balachandran returned to work. Despite not receiving any counseling or disciplinary actions during his employment, on October

4, 2018, Valvtech sent Balachandran a letter informing him that it had terminated his employment. In March 2020, Balachandran filed suit claiming: (1) *associational* discrimination in violation of the Americans with Disabilities Act ("ADA"); and (2) FMLA retaliation.

III. CONTENTIONS OF THE PARTIES

A. Valvtech's Contentions

Valvtech argues that associational discrimination is not a valid cause of action, and if it were, summary judgment should still be granted because there is no evidence that establishes an issue of fact as to a case for associational discrimination. Valvtech also asserts that although Balachandran may be able to establish a *prima facie* case of FMLA retaliation, its motion should be granted because the reasons for terminating him were nondiscriminatory, and he cannot establish that the reason given for terminating him was pretextual. Specifically, the defendant's stated basis for terminating the plaintiff was lack of performance, a basis that existed before and during Balachandran's FMLA leave.

B. Balachandran's Contentions

In response, Balachandran alleges that the evidence establishes genuine issues of material fact that support his claim that he was retaliated against because he took FMLA leave to support his disabled mother. He also claims that the same evidence proves that Valvtech's reasons for firing him were pretextual. Specifically, he asserts that the evidence will show his work performance was satisfactory, he never received a disciplinary notice, and that Teele became angry with him for taking FMLA leave.

IV. SUMMARY JUDGMENT STANDARD

Rule 56 of the Federal Rules of Civil Procedure authorizes summary judgment against a party who fails to make a sufficient showing of the existence of an element essential to the

party's case and on which that party bears the burden at trial. *See Celotex Corp. v. Catrett*, 477 U.S. 317, 322 (1986); *see also Little v. Liquid Air Corp.*, 37 F.3d 1069, 1075 (5th Cir. 1994) (en banc). The movant bears the initial burden of informing the district court of the basis for its motion and identifying those portions of the record which it believes demonstrate the absence of a genuine issue of material fact. *See Celotex*, 477 U.S. at 323; *see also Martinez v. Schlumber, Ltd.*, 338 F.3d 407, 411 (5th Cir. 2003). Hence, summary judgment is appropriate where the pleadings, the discovery and disclosure materials on file, and any affidavits show that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. *See* FED. R. CIV. P. 56(a).

If the movant states a legitimate, nondiscriminatory basis for its decision, the burden then shifts to the nonmovant to go beyond the pleadings and designate specific facts showing that there is a genuine issue for trial. *See Stults v. Conoco, Inc.*, 76 F.3d 651, 656 (5th Cir. 1996) (quoting *Tubacex, Inc. v. M/V Risan*, 45 F.3d 951, 954 (5th Cir. 1995)); *see also Nall v. BNSF Railway Co.*, 917 F.3d 335, 340 (5th Cir. 2019) (citing *McDonnel Douglas Corp. v. Green*, 411 U.S. 792, 802 (1973)). "To meet this burden, the nonmovant must 'identify specific evidence in the record and articulate the precise manner in which that evidence support[s] [its] claim[s].'" *Stults*, 76 F.3d at 656. "A fact is material only if its resolution would affect the outcome of the action, . . . and an issue is genuine only 'if the evidence is sufficient for a reasonable jury to return a verdict for the [nonmovant].'" *Wiley v. State Farm Fire and Cas. Co.*, 585 F.3d 206, 210 (5th Cir. 2009) (internal citations omitted).

V. ANALYSIS & DISCUSSION

A. The ADA Associational Discrimination Claim

Associational discrimination, based on an ADA disability of a family member, has not been recognized by the Fifth Circuit. *See, eg*., *Grimes v. Wal-Mart Stores Texas, LLC*., 505 F. App'x 376, 380 n.1 (5th Cir. 2013) (per curiam) ("this opinion should not be construed as recognizing a cause of action for associational discrimination based on disability . . . ."). The ADA does not require employers to accommodate a non-disabled worker who chooses to take leave from work in order to care for a disabled relative. *See Besser v. Texas General Land Office*, 834 F. App'x 876, 887 (5th Cir. 2020) (citing 29 C.F.R. § 1630.8 (2019). Assuming that the defendant fired the plaintiff solely for the reason that he took leave to help his disabled mother, that adverse action is not protected under the ADA. *See Besser*, 834 F. App'x at 887. Therefore, the Court determines that the plaintiff's association discrimination claim is not a valid ADA claim, and summary judgment on that claim is warranted. *See id.* at 886–87; *see also Turner v. Baylor Richardson Med. Ctr*., 476 F.3d 337, 348 (5th Cir. 2007).

B. The FMLA Retaliation Claim

It is undisputed that Balachandran has established a *prima facie* case of FMLA retaliation because the defendant has failed to provide a legitimate reason for Balachandran's termination. After applying the *McDonnel Douglas* framework to the parties' contentions, the remaining issue is whether the defendant's stated reason for termination was pretextual. In its termination letter to the plaintiff, the defendant's stated reason for terminating the plaintiff's employment was because his "job performance deteriorated significantly over a long period of time, amounting to a serious dereliction of professional responsibility." The record reflects otherwise.

In the years leading up to the day the plaintiff started his FMLA leave, there are no records or other evidence that the defendant was unhappy with the plaintiff's performance. There are no disciplinary measures taken against the plaintiff regarding his work performance—i.e., no meeting, write-up, or counseling. In fact, the only evidence in the record that illustrates management's opinion of the plaintiff's work product is a written evaluation that reflects positive feedback. The evidence shows that Teele became upset with the plaintiff when he found out that the plaintiff had taken FMLA leave. He admitted that during the leave, he started building a case to support his intent to terminate the plaintiff. After the plaintiff returned to work, he continued his normal duties without interruption or counseling until his employment was terminated. Therefore, the Court concludes that the plaintiff has established a material fact issue as to his FMLA retaliation claim because a jury may find that the defendant's reason for termination was pretextual.

VI. CONCLUSION

Based on the foregoing analysis and discussion, the defendant's motion for summary judgment is **GRANTED** as to the plaintiff's ADA associational discrimination claim but **DENIED** as to his FMLA retaliation claim.

It is so **ORDERED**.

SIGNED on this 30th day of July, 2021.

Kenneth M. Hoyt
United States District Judge