

TASAHIA BEY §
1135 Duncan Avenue §
Yeadon, PA 19050 §

V.

and

and

and

Defendants

Civil Action No. _____

Plaintiff, Tasahia Bey, is an adult female individual who alleges by and through her attorneys, Derek Smith Law Group, PLLC, that her former employer, discriminated and retaliated against her in violation of the Family and Medical Leave Act, 29 U.S.C.A. §2601, *et. seq.* (“FMLA”) and the Americans with Disabilities Act (“ADA”), 42 U.S.C.A. §12102 *et. seq.* as

amended by the Americans with Disabilities Amendment Act of 2008 (“ADAA”). In support thereof, Plaintiff alleges and avers:

Parties

1. Plaintiff, Tasahia Bey, is an adult female individual who resides at the above address, and was at all times relevant, employed as an Authorization Clerk for Optum Services, Inc., OptumRX, Inc., UnitedHealth Group, Inc., and/or UnitedHealthcare, Inc. Plaintiff was employed from January 2008 until around April 22, 2019, when she was involuntarily terminated from employment. At the time of her termination, Plaintiff earned around \$18.00 an hour with benefits.

2. Defendant, Optum Services, Inc. is an entity, organization, and/or company duly existing under the laws of the Commonwealth of Pennsylvania, with a registered office at the above address, and at all times relevant, was Plaintiff’s employer.

3. Defendant, OptumRx, Inc. is an entity, organization, and/or company and a wholly owned subsidiary of UnitedHealth Group, Inc., with an office at the above captioned address, and was at all times relevant, Plaintiff’s employer.

4. Defendant, UnitedHealth Group, Inc. is a corporation incorporated in Minnesota and purportedly the largest managed care company, by revenue and membership, in the United States. Defendant UnitedHealth Group, Inc. was, at all times relevant, Plaintiff’s employer. Alternatively, Defendant, UnitedHealth Group, Inc. is a named Defendant to the extent its acts were performed or are otherwise attributable to any of its subsidiaries or affiliates.

5. Defendant, UnitedHealthcare, Inc. is, on information and belief, a wholly-owned subsidiary of UnitedHealth Group, Inc., and is incorporated in Minnesota. Defendant, UnitedHealthcare, Inc., was, at all times relevant, Plaintiff’s employer. Alternatively, Defendant,

UnitedHealthcare, Inc. is a named Defendant to the extent its acts were performed or are otherwise attributable to any of its subsidiaries or affiliates.

6. Defendants, Optum Services, Inc., OptumRX, Inc., UnitedHealth Group, Inc., and UnitedHealthcare, Inc. (hereinafter individually and jointly referred to as “Defendants”) agreed, accepted, acquiesced, adopted, and/or was otherwise bound by the actions, omissions, and conduct of its/their owners, officers, managers, supervisors, employees, and agents.

Jurisdiction and Venue

7. This Court has subject matter jurisdiction over this matter as it involves a Federal Question, 28 U.S.C. §1331, and the Court maintains supplemental jurisdiction, 28 U.S.C. §1367, over the Pennsylvania State Law causes of action

8. Venue is appropriate as Defendants reside and/or all actions and omissions giving rise to this litigation occurred in the Eastern District (i.e. Berks, Bucks, Chester, Delaware, Lancaster, Lehigh, Montgomery, Northampton, and Philadelphia).

9. Furthermore, Plaintiff has adequately satisfied all prerequisites to bring these employment discrimination claims as she exhausted administrative remedies by having filed a timely Charge of Discrimination with the Equal Employment Opportunity Commission (“EEOC”) and the Pennsylvania Human Relations Commission (“PHRC”), and Plaintiff having received a Notice of Right to Sue.

Summary of Facts

10. Plaintiff, Tasahia Bey, had the onset of a medical condition in January of 2019 that persisted and affected her ability to perform everyday activities including work, stand, lift, sit, sexual intercourse, and focus. On April 1, 2019 Plaintiff’s had a Hysteroscopy and on April 24, 2019 Plaintiff underwent a Uterine Fibroid Embolization procedure.

11. In summary, Plaintiff's uterus and/or fibroids were bleeding excessively and uncontrollably and was/were substantially limiting Plaintiff from major life activities.

12. Plaintiff kept Defendants informed of her medical condition, medical treatment, and the progress of her medical condition verbally and with medical records.

13. Defendants regarded Plaintiff as disabled.

14. On or around January 23, 2019 Defendants, by and through the authorization of Manager Craig Verani, permitted Plaintiff to work from home and/or telecommute due to the limitations caused by Plaintiff's disability.

15. Telecommuting presents no hardship on Defendants, and is permitted generally for Authorization Clerks, even those without disabilities.

16. Despite Plaintiff's disability, there were no efforts taken by Defendants to formally recognize Plaintiff as requiring an accommodation, accommodating Plaintiff, and/or granting Plaintiff an accommodation to work from home or other relief.

17. Plaintiff applied for Family and Medical Leave Act ("FMLA") for her disability and/or serious health condition, as she was intermittently required to be absent from work for doctor and medical visits.

18. Craig Verani separated from employment for Defendants around March of 2019.

19. On information and belief, Mr. Verani was replaced by Ruo Z (Last Name Unknown).

20. Plaintiff was required to return to work in March 2019, when Plaintiff's application for FMLA was denied, due to a failure to submit medical records.

21. Plaintiff had not been recognized as having or requiring an accommodation.

22. There were no meetings or other interactive process.

23. Plaintiff returned to work but had a worsening of her condition/disability and was unable to work without telecommuting.

24. Defendants third party administrator, Sedgwick, approved Plaintiff for intermittent FMLA from April 12, 2019 through September 24, 2019.

25. Plaintiff kept her supervisor, Heather Ionno, informed of her needs for leave and treatment and that Plaintiff was undergoing a medical procedure and surgery on April 24, 2019.

26. On April 22, 2019 Defendants terminated Plaintiff for alleged theft of time.

27. At the time, Plaintiff was not under a Corrective Action Form, last chance agreement, Performance Improvement Plan, or any other disciplinary measure threatening termination.

28. Plaintiff disputes the allegation of theft of time, or that she had any prior incidents, and thus the reason for her termination was pretext to discrimination and retaliation.

29. Defendants terminated Plaintiff as a retaliation for Plaintiff's protected activities, including having been approved for FMLA, having requested or been eligible for an accommodation, and/or for having been reasonably accommodated.

30. Defendants discriminated against Plaintiff by failing and/or refusing to engage the interactive process in good faith and reasonably accommodate Plaintiff when Defendants knew and/or were aware of the need for an accommodation.

31. Plaintiff was disparately treated in relation to similarly situated non-disabled individuals.

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