

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CINDY LEONE
344 Black Hills Drive
Latrobe, PA 15650

Plaintiff,

v.

BEACON HEALTH OPTIONS OF
PENNSYLVANIA, INC.
520 Pleasant Valley Road
Trafford, PA 15085

Defendant.

CIVIL ACTION

No.: 2:21-cv-1826

JURY TRIAL DEMANDED

CIVIL ACTION COMPLAINT

Plaintiff, Cindy Leone (*hereinafter* referred to as “Plaintiff”), by and through her undersigned counsel, hereby avers as follows:

INTRODUCTION

1. Plaintiff has initiated this action to redress violations by Beacon Health Options of Pennsylvania, Inc. (*hereinafter* “Defendant”) of the Americans with Disabilities Act, as amended (“ADA” - 42 USC §§ 12101 *et. seq.*), the Age Discrimination in Employment Act (“ADEA” – 29 U.S.C. §§ 621 *et seq.*), the Family and Medical Leave Act (“FMLA”- 29 USC § 2601), and the Pennsylvania Human Relations Act (“PHRA”).¹ Plaintiff was unlawfully terminated by Defendant, and she suffered damages more fully described/sought herein.

¹ Plaintiff’s claims under the PHRA are referenced herein for notice purposes. She is required to wait 1 full year before initiating a lawsuit from date of dual-filing with the EEOC. Plaintiff must however file her lawsuit in advance of same because of the date of issuance of her federal right-to-sue-letter under the ADA. Plaintiff’s PHRA claims however will mirror identically her federal claims under the ADA.

JURISDICTION AND VENUE

2. This Court has original subject matter jurisdiction over the instant action pursuant to 28 U.S.C. §§ 1331 and 1343(a)(4) because it arises under the laws of the United States and seeks redress for violations of federal laws. There lies supplemental jurisdiction over Plaintiff's state-law claims because they arise out of the same common nucleus of operative facts as Plaintiff's federal claims asserted herein.

3. This Court may properly assert personal jurisdiction over Defendant because its contacts with this state and this judicial district are sufficient for the exercise of jurisdiction over Defendant to comply with traditional notions of fair play and substantial justice, satisfying the standard set forth by the United States Supreme Court in *Int'l Shoe Co. v. Washington*, 326 U.S. 310 (1945), and its progeny.

4. Pursuant to 28 U.S.C. § 1392(b)(1) and (b)(2), venue is properly laid in this district because Defendant is deemed to reside where it is subjected to personal jurisdiction, rendering Defendant a resident of the Western District of Pennsylvania.

5. Plaintiff is proceeding herein (in part) under the ADA and the ADEA after properly exhausting all administrative remedies with respect to such claims by timely filing a Charge of Discrimination with the Equal Employment Opportunity Commission ("EEOC") and by filing the instant lawsuit within ninety (90) days of receiving a notice of dismissal and/or right to sue letter from the EEOC

PARTIES

6. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.

7. Plaintiff is an adult individual, with an address set forth in the caption.

8. Beacon Health Options of Pennsylvania, Inc. (formerly Value Behavioral Health of Pennsylvania, Inc.) is a managed behavioral health organization that provides best-in-class behavioral health solutions for regional and specialty health plans; employers and labor organizations; and federal, state, and local governments, with a facility located at the above-captioned address.

9. At all times relevant herein, Defendant acted by and through its agents, servants and employees, each of whom acted at all times relevant herein in the course and scope of their employment with and for Defendant.

FACTUAL BACKGROUND

10. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.

11. Plaintiff is a 61-year-old female.

12. Plaintiff was employed with Respondents for 21 years, as an Outpatient Treatment Reporting Screener, until her unlawful termination (discussed further *infra*) on or about January 21, 2021.

13. At the time of her termination, Plaintiff was primarily supervised by Clinical Supervisor, Bille Jo Saccol (*hereinafter* “Saccol”).

14. Throughout her long tenure with Defendant, Plaintiff was a hard-working employee who performed her job well.

15. Plaintiff has and continues to suffer from several disabilities, including but not limited to anxiety and depression, which were diagnosed after her mother’s death in or about early 2020.

16. As a result of her aforesaid disabilities, Plaintiff suffered from sleeplessness, fatigue, panic, and feelings of hopelessness, which (at times) limited her ability to perform some daily life activities, including but not limited to sleeping, concentrating, and working (among other daily life activities).

17. Despite her aforementioned health conditions and limitations, Plaintiff was still able to perform the essential duties of her job well with Defendant; however, Plaintiff did require reasonable medical accommodations at times (discussed further *infra*).

18. For example, Plaintiff requested and was approved for an approximate 2-to-3-month medical leave until on or about August 10, 2020.

19. Plaintiff returned to work on or about August 10, 2020, on a part-time basis at the recommendation of her doctor, 2 days per week, 8 hours per day.

20. Following Plaintiff's return to work, however, Saccol immediately started picking on Plaintiff, criticizing her work, informing her that her work was too slow, and assigning a greater workload than Plaintiff had before her leave.

21. On or about October 6, 2020, Plaintiff began to increase her workload (at her doctor's recommendations) to 3 days per week, 8 hours per day, but the harassing and abusive behavior by Saccol continued, prompting Plaintiff to request the reasonable accommodation of a slightly less workload as she eased back into her duties as a result of her health conditions.

22. Plaintiff provided reasonable accommodation paperwork from her doctor regarding her aforesaid request for a lightly less workload, on or about October 13, 2020. However, Plaintiff's request was outright denied without Defendant first engaging in the interactive process or providing any legitimate reason as to why.

23. Instead, in or about early November of 2020, Plaintiff was provided with a written warning, requiring her to perform an unreasonable amount of job duties/expectations (particularly since she was only working 3 days per week to accommodate her health conditions as per her doctor), including providing her with a quota of 20-25 inquiries per day on top of her other duties (including returning all phone calls daily, covering co-workers that were out, etc.).

24. Plaintiff then had a meeting with Saccol and HR, wherein she complained that she was being singled out and targeted because of her serious health conditions and that she felt that she was also being pushed out because she had worked for Defendant for approximately 21 years.

25. Plaintiff again requested the accommodation of the ability to do slightly less inquiries per day, but her request was denied without reason or further discussion, even though Plaintiff pointed out that her doctor had indicated on her paperwork that her limitations were temporary in nature, and that she could be back to full-time and/or improved within 4-6 weeks.

26. Following the meeting with Saccol and HR, Plaintiff received a follow-up email, which had been altered to include that she was now required to do 20-25 complex inquiries or up to 60 less complex inquiries per day. Plaintiff emailed Saccol and HR about the discrepancy in the number of inquiries and the altered higher quota, but she did not receive a response.

27. In or about mid-November of 2020, Plaintiff requested the ability to bid for and/or transfer to another position within Defendant consistent with her doctor's recommended accommodations; however, she was advised by management that was not permitted to bid or seek a transfer because she had received a disciplinary action (*see* paragraph 23, *supra*) within the last 6 months.

28. Thereafter, on or about January 14, 2021, Plaintiff emailed Saccol and HR, informing them that she continued to improve, was feeling better, and her doctor had approved her

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