[DO NOT PUBLISH]

In the

United States Court of Appeals

For the Eleventh Circuit

No. 21-11325

Non-Argument Calendar

LUCRETIA THOMAS,

Plaintiff-Appellant,

versus

COBB COUNTY SCHOOL DISTRICT,

Defendant-Appellee.

Appeal from the United States District Court
for the Northern District of Georgia
D.C. Docket No. 1:19-cv-00604-SCJ

Before WILSON, ANDERSON and DUBINA, Circuit Judges.

PER CURIAM:

Lucretia Thomas appeals the district court's grant of summary judgment to her former employer, Cobb County School District, on her claim of disability discrimination under the Americans with Disabilities Act ("ADA"), 42 U.S.C. § 12112(a). She contended in the district court that the School District violated the ADA by terminating her from her Food Service Assistant position after she requested an accommodation due to her medical restriction that she could not lift more than ten pounds. On appeal, she argues that the district court erred in finding that her requested accommodation was not reasonable and that she was not a qualified individual under the ADA. After reviewing the record and reading the parties' briefs, we affirm the district court's order granting summary judgment to the School District.

I.

"We review *de novo* a grant of summary judgment on ADA claims, construing the facts in the light most favorable to the nonmoving party." *Holly v. Clairson Indus., L.L.C.*, 492 F.3d 1247, 1255 (11th Cir. 2007). Summary judgment is appropriate "if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(a); *Strickland v. Norfolk S. Ry. Co.*, 692 F.3d 1151, 1154 (11th Cir. 2012).

We apply the burden-shifting analysis of Title VII employment discrimination claims to ADA claims. *Holly*, 492 F.3d at 1255. Under the anti-discrimination provision in the ADA, an employer may not "discriminate against a qualified individual on the basis of disability in regard to [the] . . . discharge of employees [or] . . . other terms, conditions, and privileges of employment." 42 U.S.C. § 12112(a).

To establish a *prima facie* case of discrimination, a plaintiff must show that, at the time of the adverse employment action, she "(1) had a disability, (2) was a qualified individual, and (3) was subjected to unlawful discrimination because of her disability." *Batson v. Salvation Army*, 897 F.3d 1320, 1326 (11th Cir. 2018). A qualified individual is one who, "with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires." 42 U.S.C. § 12111(8); *Lewis v. City of Union City*, 934 F.3d 1169, 1182 (11th Cir. 2019). "Accordingly, an ADA plaintiff must show either that [she] can perform the essential functions of [her] job without accommodation, or, failing that, show that [she] can perform the essential functions of [her] job with a reasonable accommodation." *D'Angelo v. ConAgra Foods, Inc.*, 422 F.3d 1220, 1229 (11th Cir. 2005) (quotation marks omitted).

Discrimination under the ADA includes the failure to make a reasonable accommodation to a known physical limitation of an individual. 42 U.S.C. § 12112(b)(5)(A). An employer's failure to reasonably accommodate a disabled individual is itself

discrimination, and the plaintiff does not bear the additional burden of having to show that the employer acted in a discriminatory manner toward its disabled employees. *Holly*, 492 F.3d at 1262.

An accommodation is reasonable "only if it enables the employee to perform the essential functions of the job." *Holly*, 492 F.3d at 1256. If an individual is unable to perform an essential function of her job even with accommodation, however, she is not a qualified individual, *i.e.*, the ADA does not require the employer to eliminate an essential function of the individual's job. *Id.*

The burden of identifying such an accommodation, and the "ultimate burden of persuasion with respect to demonstrating that such an accommodation is reasonable," rests with the individual plaintiff. *Stewart v. Happy Herman's Cheshire Bridge, Inc.*, 117 F.3d 1278, 1286 (11th Cir. 1997). However, an employer is not obligated to "bump" another employee from a position to accommodate a disabled employee. *Lucas v. W.W. Grainger, Inc.*, 257 F.3d 1249, 1256 (11th Cir. 2001). Nor is an employer required to create a new position for an employee. *Boyle v. City of Pell City*, 866 F.3d 1280, 1289 (11th Cir. 2017); *Sutton v. Lader*, 185 F.3d 1203, 1210–11 (11th Cir. 1999) (an employer is under no obligation to create a light-duty position for a disabled employee).

II.

Here, the record shows that Thomas fails to identify a reasonable accommodation and thus could not show that she was a qualified individual to support her *prima facie* claim of

discrimination under the ADA. The evidence in the record indicates that Thomas was unable to lift more than ten pounds, and the ability to do so was an essential function of her Food Service Position. Moreover, the record shows that her requested accommodation was to either have her coworkers perform lifting for her or to place her in a position that did not require lifting. These requests, however, did not allow her to perform the essential function of her position, and the School District was not required to reallocate or eliminate the function of lifting from her position or place her in a new position. *See*, *e.g.*, *Lucas*, 257 F.3d at 1256; *Boyle*, 866 F.3d at 1289; Sutton, 185 F.3d at 1211. Because Thomas cannot support her claim of discrimination, we conclude that the district court properly granted summary judgment to the School District.

AFFIRMED.