

USA Today: Flight Attendant Wins Drug Test Challenge



Cover story Monday, July 16, 2001



Fired, then reinstated: A jury awarded Delta Air Lines flight attendant Yasuko Ishikawa \$400,000 after a lab that conducted a drug test was found negligent.

Accused workers challenge drug-test results in court

Debate about drug testing has raged for decades. But now a new aggressiveness is taking hold.

Employees who say they've been wrongly accused are filing lawsuits, and in some cases, juries are awarding hundreds of thousands of dollars. Unions are trying to block government regulations that would require more firms to test for workers who try to cheat on drug tests.

Labs' reliability challenged

Many critics of testing don't disagree that drug use is a threat. But they say employees shouldn't be forced to submit to tests that may cause them to lose their jobs when they've done nothing wrong.

Consider Yasuko Ishikawa, whose case has recently become a cause célèbre among drug-testing opponents. The Delta Air Lines flight attendant says she was returning from Japan in 1999 when she was told to submit to a random urine test. After being told tests showed her urine had been tampered with, she was suspended and eventually fired.

"I was ashamed; I was just panicking. I was ac-

cused of lying," says Ishikawa, of Beaverton, Ore. "I don't even drink or smoke. I felt like a criminal, like, 'What do I do with the rest of my life?' Who was going to hire me? I decided I should make noise so I can protect other people."

She says her offers to take other blood tests or have her sample retested were declined. She sued, and the Lenexa, Kan.-based LabOne that did her test was found negligent. This month, a jury awarded Ishikawa \$400,000; she's been reinstated.

In a written statement, LabOne officials said they "passed all government inspections with highly acceptable ratings during the time period in question." An appeal is under consideration.

"We regret that this incident occurred," says Delta spokesman Russ Williams, adding that the "court found that Delta acted properly."

But Ishikawa wasn't alone. At least five people who had failed tests to verify their urine hadn't been tampered with were offered their jobs back by Delta due to doubts about the reliability of lab results.