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District Court Decision Rejects Associational Discrimination Claims under Chapter 151B

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The United States District Court for the District of Massachusetts recently found that an employee cannot bring a claim for discrimination under Chapter 151B based on his association with a handicapped person. In dismissing the plaintiff's Chapter 151B claim in *Ayanna v. Dechert*, the court expressly rejected the Massachusetts Commission Against Discrimination's (MCAD) interpretation that the statute provides a cause of action for associational discrimination.

The plaintiff claimed that his employer terminated him because he took leave and provided continued care to his wife who suffered from chronic mental illness. Among other claims, including violation of the Family and Medical Leave Act, Mr. Ayanna argued that his employer violated Chapter 151B by discriminating against him based on his association with his wife. The argument for associational standing under Chapter 151B was rooted in several MCAD decisions allowing associational standing for similar plaintiffs.

The court declined to defer to the MCAD's interpretation of Chapter 151B, holding that the plain language of the statute afforded standing only to handicapped employees, not to non-handicapped employees based on their association with a handicapped person. The court further noted that the MCAD lacked authority to promulgate rules that exceeded the authority of the statute. The court instead agreed with the decision in *Brelin-Penny v. Encore Images*, a Massachusetts Superior Court case that found that the MCAD had ignored the plain language of the statute and exceeded its authority in allowing associational claims.

Last year, we highlighted the expansion of standing to protect individuals associated with members of a protected class under laws such as Title VII, and [in an alert published on February 11, 2011](#), we specifically noted the MCAD's broad interpretation of cognizable claims under Chapter 151B. The District Court's decision departs from that trend. The question of associational standing will continue developing as the MCAD and Massachusetts courts interpret and respond to the *Ayanna* holding.

Notably, the court distinguished the limited scope of Chapter 151B from other laws such as the Americans with Disabilities Act (ADA), which expressly allows associational claims. Employers must be mindful of this significant distinction. Despite the *Ayanana* holding, employers may remain open to associational claims brought under other statutes, including the ADA and Title VII.

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