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Media Contact: Amy Weiss, Amy@weisspublicaffairs.com

Peace Corps Outdated Policies Discriminate Against Volunteers with Mental Health and Other Disabilities According to Class Action Lawsuit

(Washington, DC) This week, Bryan Schwartz Law, P.C. and the Bazelon Center for Mental Health Law filed suit against the Peace Corps in the U.S. District Court for the District of Columbia on behalf of a class of accepted applicants for Volunteer service who were denied medical clearances because of their actual or perceived disabilities, or record of past medical conditions. The lawsuit seeks to end this discriminatory practice and ensure qualified applicants are not punished for getting mental health or other medical treatment and are evaluated in an appropriate way and not based on unfounded fears, speculation, and assumptions.

The lawsuit alleges that the Peace Corps has, for years, discriminated against accepted applicants already determined to be qualified for the job based on their diagnoses, symptoms or treatment, such as therapy or medication – despite overwhelming evidence from qualified professionals who evaluated them that they are ready and able to serve.

For example, in one case, a young woman diagnosed with mild depression and anxiety during the height of the Covid-19 pandemic was disqualified from doing environmental work in Mexico based on her diagnosis and use of therapy. The Peace Corps has previously posted lists on its website of medical and mental health conditions that typically prevent Peace Corps service, including Major Depressive Disorder, discouraging people with any of those disabilities from even applying.

“The Peace Corps is supposedly committed to helping promote understanding of the American people around the world and to meeting countries’ needs for trained people, but instead the Peace Corps is perpetrating a limited view of Americans, by excluding people with disabilities from representing the United States, even when they are highly qualified, ready, and able to serve,” said **Bryan Schwartz, a leading Oakland, California civil rights lawyer**. “My firm has led the State Department to change its policies toward opportunities for Americans with disabilities in important assignments abroad – the Peace Corps is next,” said Schwartz, referencing his successful cases like *Meyer v. Blinken (Dept. of State)*, which settled earlier this year, resulting in extensive changes to State Department policies related to medical clearances.

“These policies are outdated and discriminatory,” said **Megan Schuller, Legal Director of the Bazelon Center for Mental Health Law**. “The Peace Corps’ policies discourage treatment and perpetuate stigma – punishing people who have committed their lives to public service because they have a disability, without regard for the facts showing they are ready and able to serve, and without considering accommodations like telehealth. Peace Corps Volunteers are supposed to represent the diversity of the United States, and in improperly rejecting qualified applicants with disabilities, the Peace Corps is violating federal law and failing to uphold its mission.”

The lawsuit alleges that the Peace Corps' policies and practices are in violation of Section 504 of the Rehabilitation Act, which prohibits discrimination on the basis of disability in programs or activities receiving federal funds or conducted by an Executive Agency. The complaint filed in federal court alleges that, for years:

- The Peace Corps has denied equal access to and benefits of the Peace Corps' Volunteer program to accepted applicants with disabilities based on their disabilities;
- The Peace Corps has failed to conduct legally compliant individualized assessments that reflect current medical knowledge and the best available objective evidence;
- The Peace Corps has denied accepted applicants with disabilities opportunities to participate in and benefit from its Volunteer program based on speculation and inaccurate assumptions about their disabilities and treatment; and
- The Peace Corps has failed to provide reasonable accommodations to Invitees.

Peace Corps applicants, upon their acceptance, are asked to submit confidential medical information to the Peace Corps for a medical clearance process. For accepted applicants who disclose certain conditions – mental health disabilities, for example – the Peace Corps requires costly examinations, notes from medical providers, self-evaluations, and even more forms.

The complaint tells the stories of nine such accepted applicants with mental health disabilities, all of whom provided significant documentation showing that their symptoms were well managed and that they could successfully serve. They had full support from their healthcare providers and mental health evaluators. Some even offered information about how they planned to manage their conditions during their service and how they would obtain their medications, if needed. Despite the overwhelming evidence supporting their fitness for Volunteer service, the Peace Corps denied medical clearances to all nine individuals based on stereotypes, speculation and inaccurate assumptions about their disabilities. None of these individuals were ever offered an accommodation of any kind, nor did the Peace Corps speak to their healthcare providers who supported their applications.

Plaintiffs, proceeding anonymously, are individuals whose commitment to public service motivated their applications to the Peace Corps. They all have experiences living abroad successfully, whether through studies, work, travel, or military service. They viewed the Peace Corps as a place where they could bring their passion and talent, represent their country, and make a difference. For many, serving in the Peace Corps was their dream. Their stories represent the experiences of a class of people with disabilities who have suffered discrimination and had their dreams of Peace Corps service crushed based on these outdated and discriminatory policies and practices.

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About Bryan Schwartz Law, P.C. – In 2023, after more than a decade of litigation, Bryan Schwartz Law, P.C., settled *Meyer v. Blinken (Dept. of State)* and *Martin v. Blinken (Dept. of State)*, two cases which will overhaul the State Department's medical clearance policies, affecting

thousands of government employees and their families seeking opportunities abroad. For 15 years, Bryan Schwartz Law has dedicated itself to continuing the struggle for civil rights and equal employment opportunity, helping Americans from every background to achieve their highest career potential, recovering tens of millions of dollars for tens of thousands of workers. The firm focuses on individual, class, and collective actions involving discrimination and retaliation, harassment, denied disability accommodations, whistleblower reprisal, wage and hour violations, federal employees' rights, and severance negotiations. www.bryanschwarzlaw.com

About the Bazelon Center for Mental Health Law – Since 1972, the Judge David L. Bazelon Center for Mental Health Law, a national non-profit, has advocated for the civil rights, full inclusion and equality of adults and children with mental disabilities. Formerly the Mental Health Law Project, the Bazelon Center played a pivotal role in expanding the civil rights movement to include fighting discrimination against, and segregation of, people with mental disabilities through numerous disability rights cases in the U.S. Supreme Court, including in *Olmstead v. L.C.* (Lois Curtis), which established that the unnecessary segregation of people with disabilities is discrimination under federal law. Through litigation, policy advocacy, public education, and technical assistance, the Bazelon Center works to protect and advance the civil rights of individuals with mental disabilities in all aspects of life, including health care, community living, employment, housing, voting, and education. www.bazelon.org