

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
TENNESSEE, NASHVILLE DIVISION

George Besada v. ECS Southeast, LLP

Besada · No. 3:24-cv-00313 · Decided January 28, 2026

SUMMARY

The United States District Court for the Middle District of Tennessee overruled George Besada’s objections to a magistrate judge’s report and recommendation and accepted the recommendation to grant ECS Southeast, LLP’s motion for summary judgment. The court held that the record established driving as an essential function of Besada’s Field Technician position and that he was not otherwise qualified under the Americans with Disabilities Act because of his no-driving restriction. The court also rejected Besada’s failure-to-accommodate and interactive-process claims and dismissed the case.

CASE DETAILS

COURT	United States District Court for the Middle District of Tennessee, Nashville Division
WRITING FOR THE COURT	Aleta A. Trauger
JURISDICTION	United States District Court for the Middle District of Tennessee, Nashville Division
DECIDED	January 28, 2026
DOCKET	3:24-cv-00313
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff objected under Federal Rule of Civil Procedure 72(b) to a magistrate judge's report and recommendation recommending that defendant's motion for summary judgment be granted and the ADA action dismissed.
STANDARD OF REVIEW	Under Federal Rule of Civil Procedure 72(b)(3), the district court reviews de novo those portions of a magistrate judge's report and recommendation to which specific objections are made; unobjected-to portions need not be reviewed de novo. Summary judgment is proper when the admissible evidence shows no genuine dispute of material fact and the movant is entitled to judgment as a matter of law.
PRECEDENTIAL VALUE	unknown

PARTIES

George Besada v. ECS Southeast, LLP

TOPICS

summary judgment

ada / disability

disability discrimination

reasonable accommodation

civil procedure

PRACTICE AREAS

employment law

civil rights

disability discrimination

civil procedure

QUESTIONS PRESENTED

1. Whether the district court properly applied de novo review to Besada's specific objections to the magistrate judge's report and recommendation.
2. Whether the undisputed evidence established that driving was an essential function of Besada's Field Technician position.
3. Whether Besada was a qualified individual under the ADA when his no-driving restriction prevented him from performing an essential job function.
4. Whether Besada identified an objectively reasonable accommodation that would allow him to perform the essential functions of his position.
5. Whether ECS could be liable for failing to engage in the ADA interactive process when no reasonable accommodation permitting Besada to perform the essential driving function was identified.

HOLDINGS

1. A district court may deem a movant's properly supported factual assertions undisputed under the applicable local rule when a party fails to timely respond to the statement of undisputed facts, while still reviewing the record and applying the summary-judgment standard.
2. The ability to drive and travel to and between job sites was an essential function of Besada's Field Technician position.
3. Besada could not establish that he was a qualified individual under the ADA because his no-driving restriction prevented him from performing an essential function of his Field Technician position, with or without a reasonable accommodation.
4. Besada could not establish a prima facie failure-to-accommodate claim because he was not otherwise qualified for the position and did not identify an objectively reasonable accommodation that would permit him to perform the essential driving function.
5. ECS was not liable for failing to engage in the interactive process because Besada did not identify a feasible reasonable accommodation that would permit him to perform the essential driving function of his position.
6. Besada's contention concerning the failure to provide health insurance did not constitute an independent ADA claim because it was not raised in the complaint or articulated as a basis for the ADA claim.

KEY QUOTATIONS

“The district court must review de novo any portion of the report and recommendation “that has been properly objected to.”” (Section I)

“if an individual’s disability renders him unable to perform an ‘essential function’ of his job, he is not a ‘qualified individual’ protected by the non-discrimination provision” (Section III.D)

“A reasonable accommodation “does not include removing an essential function from the position, for that is per se unreasonable.”” (Section III.E)

FACTUAL BACKGROUND

Besada was employed by ECS as a Field Technician, a position requiring substantial travel and the ability to drive his own vehicle to and between job sites. After a medical provider imposed a no-driving restriction, Besada was unable to perform the driving and travel required by the position, and he never obtained a second medical opinion lifting the restriction. He did not respond to ECS's statement of undisputed material facts and did not submit an affidavit or declaration supporting his factual assertions. The record did not establish a reasonable accommodation that would allow him to perform the essential driving function without removing or reallocating that function.

PROCEDURAL HISTORY

Besada filed a pro se ADA complaint against his former employer in March 2024. After discovery and an unsuccessful settlement attempt, ECS moved for summary judgment. The magistrate judge recommended granting the motion, concluding that the undisputed evidence showed Besada could not perform the essential driving function of his Field Technician position, had not identified a reasonable accommodation, and had no viable independent health-insurance discrimination claim. The district court conducted de novo review of the specific objections, overruled them, accepted the report and recommendation in full, granted summary judgment, and dismissed the case.

DISPOSITION

dismissed

CASES CITED

- Thomas v. Arn, 474 U.S. 140, 150-51 (1985)
- Cole v. Yukins, 7 F. App'x 354, 356 (6th Cir. 2001)
- Langley v. DaimlerChrysler Corp., 502 F.3d 475, 483 (6th Cir. 2007)
- Indeck Energy Servs., Inc. v. Consumers Energy Co., 250 F.3d 972, 979 (6th Cir. 2000)
- Howard v. Secretary of Health & Human Services, 932 F.2d 505, 509 (6th Cir. 1991)
- Murr v. United States, 200 F.3d 895, 902 n.1 (6th Cir. 2000)
- Williams v. Curtin, 631 F.3d 380, 383 (6th Cir. 2011)
- Wells v. Brown, 891 F.2d 591, 594 (6th Cir. 1989)

- Curran v. Wepfer Marine Servs., Inc., No. 23-5284, 2024 WL 4489916, at *4 (6th Cir. May 20, 2024)
- Viergutz v. Lucent Techs., Inc., 375 F. App'x 482, 485 (6th Cir. 2010)
- United States v. Ninety Three Firearms, 330 F.3d 414, 427-28 (6th Cir. 2003)
- Steiner v. Mitchell, 350 U.S. 247, 253 (1956)
- Tyson Foods, Inc. v. Bouaphakeo, 577 U.S. 442, 448 (2016)
- Wilson v. PrimeSource Health Care of Ohio, Inc., No. 1:16-CV-1298, 2017 WL 2869341, at *8 (N.D. Ohio July 5, 2017)
- Edwards v. Shelby County, 159 F.4th 489, 498 (6th Cir. 2025)
- Wagner v. Sherwin-Williams Co., 647 F. App'x 645, 647, 651 (6th Cir. 2016)
- Brumley v. United Parcel Service, Inc., 909 F.3d 834, 839 (6th Cir. 2018)
- Hunt v. Monro Muffler Brake, Inc., 769 F. App'x 253, 258 (6th Cir. 2019)
- Kleiber v. Honda of Am. Mfg., Inc., 485 F.3d 862, 870 (6th Cir. 2007)
- E.E.O.C. v. Ford Motor Co., 782 F.3d 753, 761 (6th Cir. 2015)
- Brickers v. Cleveland Board of Education, 145 F.3d 846, 850 (6th Cir. 1998)
- Wyatt v. Nissan North America, Inc., 999 F.3d 400, 419 (6th Cir. 2021)
- Bratten v. SSI Services, Inc., 185 F.3d 625, 632 (6th Cir. 1999)