

UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

Troy K. Scheffler v. Ramona Dohman

785 F.3d 1260 (8th Cir. 2015) · No. 13-3785 · Decided May 12, 2015

SUMMARY

Troy K. Scheffler challenged Minnesota’s restrictions and cancellation of his driving privileges under the Americans with Disabilities Act, asserting that the State regarded him as alcoholic or that his DWI convictions created a record of alcoholism. The Eighth Circuit held that the complaint did not allege facts establishing an ADA disability under any of the statute’s three definitions. The court affirmed dismissal under Federal Rule of Civil Procedure 12(b)(6).

CASE DETAILS

COURT	United States Court of Appeals for the Eighth Circuit
WRITING FOR THE COURT	Shepherd; Colloton; Bright
JURISDICTION	Federal
DECIDED	May 12, 2015
DOCKET	13-3785
DISPOSITION	affirmed
PROCEDURAL POSTURE	Scheffler appealed the dismissal of his ADA complaint under Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim.
STANDARD OF REVIEW	De novo review of a district court's grant of a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6), construing the complaint's allegations in the light most favorable to the nonmoving party.
PRECEDENTIAL VALUE	Published, precedential opinion of the United States Court of Appeals for the Eighth Circuit.
PARTIES	Troy K. Scheffler v. Ramona Dohman, in her official capacity as the Commissioner of Public Safety, State of Minnesota, State of Minnesota

TOPICS

[ada / disability](#)[disability definition](#)[regarded as disabled](#)[appellate procedure](#)[standard of review](#)

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Scheffler adequately alleged that he had an ADA disability based on an actual alcoholism-related impairment that substantially limited a major life activity.
2. Whether multiple DWI convictions and related state-imposed driving restrictions established a record of alcoholism under the ADA.
3. Whether the State regarded Scheffler as having an alcoholism-related impairment under the ADA.

HOLDINGS

1. Scheffler did not allege that he was an alcoholic or that alcoholism substantially limited a major life activity, and therefore he failed to plead a disability under the ADA's first definition.
2. Multiple DWI convictions, without more, do not establish that a person is an alcoholic or that the person has a record of an impairment substantially limiting a major life activity.
3. The State's imposition of restrictions on a driver with multiple DWI offenses did not, without additional facts, establish that the State regarded Scheffler as having an alcoholism-related impairment.
4. The district court properly dismissed the complaint for failure to state a claim because Scheffler failed to allege that he was disabled under the ADA.

KEY QUOTATIONS

"We review de novo a district court's grant of a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6)." (785 F.3d at 1261)

"Driving while intoxicated on multiple occasions does not, in and of itself, establish that [Scheffler] is an alcoholic." (785 F.3d at 1262)

FACTUAL BACKGROUND

Scheffler had multiple DWI arrests and convictions beginning in 1994, resulting in repeated cancellations of his driving privileges and requirements that he complete alcohol rehabilitation programs or comply with restrictions. After a 2010 DWI arrest, he was required to complete a six-year rehabilitation program or participate in an Ignition Interlock Program to obtain a restricted license. He alleged that the State perceived him as an alcoholic or regarded him as having an impairment, and sought restoration of his driving privileges without restrictions.

PROCEDURAL HISTORY

Scheffler sued the Minnesota Commissioner of Public Safety and the State of Minnesota, alleging that Minnesota statutes and rules governing the loss and restoration of driving privileges after multiple DWI offenses violated the ADA. The United States District Court for the District of Minnesota dismissed the complaint, concluding that Scheffler failed to allege that he was an individual with a disability under the ADA. The Eighth Circuit affirmed.

DISPOSITION

affirmed

CASES CITED

- Retro Television Network, Inc. v. Luken Communications, LLC, 696 F.3d 766, 768 (8th Cir. 2012)
- Miners v. Cargill Communications, Inc., 113 F.3d 820, 823 (8th Cir. 1997)

OPINION

SHEPHERD, J.

United States Court of Appeals For the Eighth Circuit _____ No. 13-3785 _____ Troy K. Scheffler llllllllllllllllllll Plaintiff - Appellant v. Ramona Dohman, in her official capacity as the Commissioner of Public Safety, State of Minnesota; State of Minnesota llllllllllllllllllll Defendants - Appellees _____ Appeal from United States District Court for the District of Minnesota - Minneapolis _____ Submitted: October 9, 2014 Filed: May 12, 2015 _____ Before COLLOTON, BRIGHT, and SHEPHERD, Circuit Judges. _____ SHEPHERD, Circuit Judge.

Troy K. Scheffler brought suit alleging the Minnesota statutes and rules under which he has repeatedly lost his driving privileges due to his several driving while impaired (DWI) offenses violate the Americans with Disability Act (ADA).

The district court¹ dismissed Scheffler's complaint for failing to allege that he is a qualified individual under the ADA. We affirm the dismissal. I. Since 1994, Scheffler has been repeatedly arrested for DWI. In 1997, after his third arrest, Scheffler's driving privileges were cancelled subject to completion of a one-year abstinence-only alcohol rehabilitation program.

Scheffler successfully completed the program, and in 1998, Scheffler was issued a driver's license with the restriction that he abstain from the use of alcohol. After a 1999 cancellation of his driver's license, Scheffler was required to complete a three-year alcohol rehabilitation program. He again successfully completed the program and received a restricted license in 2002.

In 2010, Scheffler was yet again arrested for DWI. At the time he filed his complaint, Scheffler had to either complete the six-year rehabilitation program or submit to an Ignition Interlock Program in order to be issued a new restricted driver's licence. Scheffler brought this suit, claiming ADA violations based on perceived alcoholism and seeking an injunction against the State requiring that his driving privileges be restored without restrictions.

The State moved to dismiss the complaint, and the district court granted the motion to dismiss, concluding that Scheffler had failed to allege a disability under the ADA. II. We review de novo a district court's grant of a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6). See

Retro Television Network, Inc. v. Luken 1 The Honorable Donovan W. Frank, United States District Judge for the District of Minnesota. -2- Commc'ns, LLC, 696 F.3d 766, 768 (8th Cir.

2012). In so doing, we construe the allegations in the complaint in the light most favorable to the non-moving party. Id. The ADA defines a disabled person as an individual with a physical or mental impairment that substantially limits one or more of that person's major life activities, an individual who has a record of such an impairment, or an individual who is regarded as having such an impairment.

See 42 U.S.C. § 12102(1). "[M]ajor life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working," as well as operations of major bodily functions. See 42 U.S.C. § 12102(2).

This court has previously recognized that alcoholism may qualify for disability under the ADA when it limits a major life activity. See *Miners v. Cargill Commc'ns, Inc.*, 113 F.3d 820, 823 (8th Cir. 1997). In his complaint, Scheffler failed to allege facts that would support that he has a disability as defined by the ADA, and therefore the district court correctly granted the motion to dismiss for failure to state a claim.

Scheffler did not allege in his complaint nor does he assert on appeal that he meets the first definition of being a disabled person due to alcoholism. That is, he does not claim to actually be an alcoholic or that his alcoholism causes him to be substantially limited in a major life activity. Instead, Scheffler argues his multiple DWI convictions create a record of alcoholism under the second prong of the disability definition.

However, as the district court correctly found, "[d]riving while intoxicated on multiple occasions does not, in and of itself, establish that [Scheffler] is an alcoholic." (Order at 9.) Additionally, there is no allegation in the complaint that Scheffler has ever been diagnosed as an alcoholic, nor does the complaint allege that Scheffler suffers from a substantial limitation to a major life activity due to alcoholism.

Accordingly, he has failed to allege that he is disabled under the second prong of the ADA's disability definition. -3- Attempting to qualify under the third prong of the ADA disability definition, Scheffler claims the State regards him as being an alcoholic due to the restrictions the State has imposed on his driving.

Under this third prong, "[a]n individual meets the requirement of 'being regarded as having such an impairment' if the individual establishes that he or she has been subjected to an action prohibited under this chapter because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity." See 42 U.S.C. § 12102(3).

Again, as mentioned above, the fact that Scheffler has received several DWI convictions does not mean that he is an alcoholic. Nor does the State, in imposing restrictions on drivers who incur multiple DWI offenses, necessarily perceive that person as being an alcoholic. Scheffler has alleged no other facts that would support a claim that the State perceived him to be an alcoholic.

Thus, Scheffler has failed to allege that the State, by its actions, has regarded him as having an impairment under the ADA. III. Accordingly, we affirm the district court's dismissal of Scheffler's complaint for failure to state a claim. _____ -4-