

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
KENTUCKY, CENTRAL DIVISION AT LEXINGTON

Joseph Wheeling v. City of Winchester

No. 5:24-CV-129-KKC · No. 5:24-CV-129-KKC · Decided May 5, 2026

SUMMARY

The United States District Court for the Eastern District of Kentucky granted the City of Winchester’s motion for summary judgment in Joseph Wheeling’s action arising from the termination of his employment as a firefighter and Fire Marshal. The court exercised supplemental jurisdiction over the remaining Kentucky Civil Rights Act claims and held that, although Wheeling established a prima facie disability-discrimination case, he failed to show that the City’s stated policy violation was pretextual; the court also addressed his failure-to-accommodate claim.

CASE DETAILS

COURT	United States District Court for the Eastern District of Kentucky, Central Division at Lexington
WRITING FOR THE COURT	Karen K. Caldwell
JURISDICTION	United States District Court for the Eastern District of Kentucky, Central Division at Lexington
DECIDED	May 5, 2026
DOCKET	5:24-CV-129-KKC
DISPOSITION	other
PROCEDURAL POSTURE	The City of Winchester moved for summary judgment on Wheeling's claims for Family and Medical Leave Act retaliation, Kentucky Civil Rights Act disability discrimination and failure to accommodate, and workers' compensation retaliation. Wheeling waived the FMLA and workers' compensation retaliation claims, leaving the two KCRA claims for decision.
STANDARD OF REVIEW	Summary judgment is appropriate when the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The evidence, facts, and inferences are viewed in favor of the nonmoving party, which must provide sufficient evidence for a reasonable jury to find in its favor.
PRECEDENTIAL VALUE	Unknown

PARTIES

Joseph Wheeling v. City of Winchester

TOPICS

disability discrimination

reasonable accommodation

summary judgment

ada / disability

civil procedure

PRACTICE AREAS

employment law

civil rights

disability discrimination

reasonable accommodation

civil procedure

QUESTIONS PRESENTED

1. Whether the court should exercise supplemental jurisdiction over the remaining Kentucky state-law claims after Wheeling waived his federal FMLA claim.
2. Whether the City was entitled to summary judgment on Wheeling's Kentucky Civil Rights Act disability-discrimination claim.
3. Whether the City was entitled to summary judgment on Wheeling's Kentucky Civil Rights Act failure-to-accommodate claim.

HOLDINGS

1. The court exercised supplemental jurisdiction because the federal and state claims arose from intertwined facts and judicial economy outweighed the benefit of having a Kentucky state court decide the claims.
2. The City was entitled to summary judgment on the disability-discrimination claim because, although Wheeling established a prima facie case and the City articulated a legitimate nondiscriminatory reason for the termination, Wheeling failed to produce sufficient evidence that the reason was pretextual.
3. The City was entitled to summary judgment on the failure-to-accommodate claim because Wheeling's proposed accommodations were not reasonable as a matter of law: the medical-marijuana request lacked sufficient assurance that he could safely perform a heightened-safety-level job, and assigning other personnel to perform fire inspections and prevention would eliminate or reallocate essential functions of the Fire Marshal position.

KEY QUOTATIONS

“Because the record conclusively reveals a nondiscriminatory reason for the termination, the City is entitled to summary judgment on the disability discrimination claim.” (§ III.B.i.c)

“Because Wheeling failed to provide a reasonable accommodation request, his failure to accommodate claim fails as a matter of law.” (§ III.B.ii.b)

FACTUAL BACKGROUND

Joseph Wheeling worked as a firefighter for the City of Winchester from 2015 to 2023 and was ultimately promoted to Fire Marshal. After a March 31, 2023 on-duty suicide attempt involving an excessive ingestion of

prescribed Adderall, the City placed him on administrative leave and terminated him for inefficiency or violation of Board rules, including violation of its drug and alcohol policy. Wheeling had diagnosed mental-health conditions and had taken FMLA leave; he alleged that his termination violated the Kentucky Civil Rights Act and that the City failed to accommodate his disability by permitting medical-marijuana use, providing scheduling flexibility, or assigning additional personnel to assist with fire inspections and prevention work.

PROCEDURAL HISTORY

Wheeling filed the action on May 5, 2024. After discovery closed, the City moved for summary judgment. The court exercised supplemental jurisdiction over the remaining KCRA claims, granted summary judgment to the City on both claims, canceled the trial, and struck the case from its active docket.

DISPOSITION

other

CASES CITED

- Providence, 934 F.2d 1402, 1412 (6th Cir. 1991)
- United Mine Workers
- Rosado
- Bank One, Ky., N.A. v. Murphy, 52 S.W.3d 540, 544 (Ky. 2001)
- Hallahan v. Courier-Journal, 138 S.W.3d 699, 705 (Ky. Ct. App. 2004)
- Williams v. Wal-Mart Stores, Inc., 184 S.W.3d 492, 495-97 (Ky. 2005)
- McDonnell Douglas Corp. v. Green, 411 U.S. 792 (1973)
- Celotex Corp. v. Catrett, 477 U.S. 317, 323 (1986)
- McLean v. 988011 Ontario, Ltd., 224 F.3d 797, 800 (6th Cir. 2000)
- Van Gorder v. Grand Trunk W. R.R., Inc., 509 F.3d 265, 268 (6th Cir. 2007)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 252 (1986)
- Larison v. Home of the Innocents, 551 S.W.3d 36, 41 (Ky. Ct. App. 2018)
- Hawkins v. Bd. of Educ. of Scott Cty., 716 S.W.3d 1, 7 (Ky. Ct. App. 2025)
- Rorrer v. City of Stow, 743 F.3d 1025, 1039 (6th Cir. 2014)
- Keith v. County of Oakland, 703 F.3d 918, 925-26 (6th Cir. 2013)
- Wyatt v. Nissan North America, Inc., 999 F.3d 400, 418 (6th Cir. 2021)
- Jones v. Potter, 488 F.3d 397, 404 (6th Cir. 2007)
- Aston v. Tapco Int'l Corp., 631 F. App'x 292, 297 (6th Cir. 2015)
- Griffith v. Wal-Mart Stores, 135 F.3d 376, 380 (6th Cir. 1998)
- Reeves v. Sanderson Plumbing Prods., Inc., 530 U.S. 133, 142, 148 (2000)
- Hrdlicka v. GM, LLC, 59 F.4th 791, 805 (6th Cir. 2023)
- Chen v. Dow Chemical Co., 580 F.3d 394, 400 n.4 (6th Cir. 2009)

- Yarberry v. Gregg Appliances, Inc., 625 F. App'x 729, 739 (6th Cir. 2015)
- Kleiber v. Honda of Am. Mfg., 485 F.3d 862, 869 (6th Cir. 2007)
- Ferrari v. Ford Motor Co., 826 F.3d 885, 891 (6th Cir. 2016)
- U.S. Airways, Inc. v. Barnett, 535 U.S. 391, 401-02 (2002)
- Cassidy v. Detroit Edison Co., 138 F.3d 629, 634 (6th Cir. 1998)
- Ford Motor Co., 782 F.3d at 763
- Cooper v. Dolgencorp, LLC, 93 F.4th 360, 372 (6th Cir. 2024)
- Brickers v. Cleveland Bd. of Educ., 145 F.3d 846, 850 (6th Cir. 1998)
- Noel, 53 S.W.3d at 104

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