

OHIO COURT OF APPEALS, NINTH JUDICIAL DISTRICT

Summit Cty. Children Servs. v. Ohio Civ. Rights Comm.

2025-Ohio-5402 · No. 31312 · Decided December 3, 2025

SUMMARY

The Ninth District Court of Appeals affirmed the Summit County Court of Common Pleas judgment upholding an Ohio Civil Rights Commission order against Summit County Children Services. The court held that Deborah Webb was disabled under the Ohio Civil Rights Act, that the agency’s failure to accommodate her request to work from home supported a constructive-discharge finding, and that her pension income did not constitute interim earnings subject to deduction from back pay. The court concluded that the Commission’s order was supported by reliable, probative, and substantial evidence and was in accordance with law.

CASE DETAILS

COURT	Ohio Court of Appeals, Ninth Judicial District
WRITING FOR THE COURT	Betty Sutton; Judge Hensal; Presiding Judge Flagg Lanzinger
JURISDICTION	Ohio Court of Appeals, Ninth Judicial District
DECIDED	December 3, 2025
DOCKET	31312
DISPOSITION	affirmed
PROCEDURAL POSTURE	Summit County Children Services appealed the Summit County Court of Common Pleas' affirmance of an Ohio Civil Rights Commission cease-and-desist order arising from disability-discrimination and constructive-discharge claims.
STANDARD OF REVIEW	The appellate court reviews whether the common pleas court abused its discretion in finding reliable, probative, and substantial evidence supporting the Commission's order. Under R.C. 4112.06(E), the Commission's factual findings are conclusive if supported by reliable, probative, and substantial evidence on the record considered as a whole.
PRECEDENTIAL VALUE	published
PARTIES	Summit County Children Services v. Ohio Civil Rights Commission, Deborah Webb

TOPICS

disability discrimination

ada / disability

reasonable accommodation

constructive discharge

judicial review of agency action

PRACTICE AREAS

employment law

disability discrimination

administrative law

civil rights

QUESTIONS PRESENTED

1. Whether the Americans with Disabilities Act Amendments Act standards govern interpretation of disability under the Ohio Civil Rights Act.
2. Whether reliable, probative, and substantial evidence supported the finding that Webb had a disability under the Ohio Civil Rights Act.
3. Whether reliable, probative, and substantial evidence supported the finding that Webb was constructively discharged when the employer denied her requested remote-work accommodation, offered unpaid leave, and posted her position.
4. Whether Webb's post-resignation Ohio Public Employee Retirement System income had to be deducted from the Commission's back-pay award as interim earnings.

HOLDINGS

1. The ADA Amendments Act's clarified, non-demanding standards may guide interpretation of the substantially-limits requirement in the Ohio Civil Rights Act because the federal and Ohio definitions of disability are materially the same and Ohio law requires liberal construction of R.C. Chapter 4112.
2. Reliable, probative, and substantial evidence supported the finding that Webb had a disability because her postsurgical foot condition substantially limited major life activities, including walking, driving, shopping, cooking, and caring for herself.
3. The evidence supported the finding that Webb was constructively discharged where the employer denied a feasible remote-work accommodation, offered only unpaid leave without medical benefits, posted her position without guaranteeing her return, and failed to engage in a good-faith accommodation process.
4. The Commission was not required to deduct Webb's OPERS retirement income from the back-pay award because R.C. Chapter 4112 requires an allowance for interim earnings, not all interim income, and retirement benefits are not earnings under the circumstances presented.

KEY QUOTATIONS

“Constructive discharge occurs when an employer’s actions make working conditions so intolerable that a reasonable person under the circumstances would have felt compelled to resign.” (§ 23)

“SCCS’s offer of additional unpaid leave in response to her request for an accommodation to work, while posting her job, was not an accommodation at all and the record does not show a good faith effort on the part of SCCS to negotiate a reasonable accommodation.” (§ 26)

“Had the Ohio General Assembly wanted retirement or other income to be taken into account when the Commission awarded back pay pursuant to R.C. 4112.05 and R.C. 4112.051, it could have stated that “interim income” be taken into account.” (§ 32)

FACTUAL BACKGROUND

Deborah Webb, an employee of Summit County Children Services, underwent right-foot surgery in early 2020 and continued to experience pain, swelling, and difficulty walking, driving, and caring for herself. She requested an accommodation allowing her to perform sedentary office work from home, but the agency declined and instead offered unpaid leave without medical benefits while posting her position without guaranteeing her return. Webb retired to obtain income and health insurance, and the Ohio Civil Rights Commission later found that the agency had failed to accommodate her and constructively discharged her.

PROCEDURAL HISTORY

The Ohio Civil Rights Commission's administrative law judge found that Summit County Children Services failed to accommodate Deborah Webb's disability and constructively discharged her, recommending reinstatement, back pay, training, and a cease-and-desist order. The Commission adopted the recommendations. The Summit County Court of Common Pleas affirmed the Commission's order under R.C. 4112.06, and the Ninth District affirmed the common pleas court's judgment.

DISPOSITION

affirmed

CASES CITED

- Plumbers and Steamfitters Joint Apprenticeship Committee v. Ohio Civ. Rights Comm., 66 Ohio St.2d 192, 200 (1981)
- Ohio Civ. Rights Comm. v. Case W. Res. Univ., 76 Ohio St.3d 168, 177 (1996)
- Sheffield Village v. Ohio Civ. Rights Comm., 2000 WL 727551, *4 (9th Dist. June 7, 2000)
- Snyder v. U.S. Bank, 2024-Ohio-2727, ¶ 39 (1st Dist.)
- Anderson v. Accuscripts Pharmacy, L.L.C., 2022-Ohio-1663, ¶ 51 (8th Dist.)
- Morriss v. BNSF Ry. Co., 817 F.3d 1104, 1110-1111 (8th Cir. 2016)
- Toyota Motor Mfg., Ky., Inc. v. Williams, 534 U.S. 184, 185 (2002)
- Mauzy v. Kelly Servs., Inc., 75 Ohio St.3d 578 (1996)
- Scott v. Goodyear Tire & Rubber Co., 160 F.3d 1121, 1128 (6th Cir. 1998)
- Jakubowski v. Christ Hosp., Inc., 627 F.3d 195, 202 (6th Cir. 2010)
- Tchankpa v. Ascena Retail Grp., Inc., 951 F.3d 805, 812 (6th Cir. 2020)
- Caldwell v. Niles City Schools, 2021-Ohio-1543, ¶¶ 64-65, 71, 78 (11th Dist.)
- Tally v. Family Dollar Stores Ohio, Inc., 542 F.3d 1099, 1107 (6th Cir. 2008)
- Smith v. Henderson, 376 F.3d 529, 533 (6th Cir. 2004)

- Shaver v. Wolske & Blue, 138 Ohio App.3d 653 (10th Dist. 2000)
- Ohio Civ. Rights Comm. v. Ingram, 69 Ohio St.3d 89, 95 (1994)

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