

Employer Alert: Failure to Allow Work From Home as a Reasonable Accommodation Can Be Costly

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In a recent New York case, a jury awarded a \$954,000 verdict because an employer refused to allow an employee to work from home as an accommodation. Under the Americans with Disabilities Act ("ADA") and certain state laws, including the New York State Human Rights Law and the New Jersey Law Against Discrimination, employers must provide reasonable accommodations that enable employees to perform the essential functions of their jobs. An employer may deny a requested accommodation if the employee cannot perform the job even with the accommodation or if providing the accommodation would create an undue hardship for the employer. The employer in *Mirabella v. Stony Brook University Blood Bank* ("Blood Bank") was hit with a nearly one-million-dollar verdict after refusing to reasonably accommodate an employee.

Mirabella v. Stony Brook University Blood Bank

Donna Mirabella, a Technical Associate Director, worked for the Blood Bank for 12 years before contracting COVID-19 during the pandemic. She subsequently developed long COVID, which caused extreme fatigue and other debilitating symptoms. When Ms. Mirabella returned to work following a leave of absence, she experienced significant fatigue from working on-site. According to the evidence presented at trial, she became so exhausted that she required several days of recovery before she could return to the office. As a result, Ms. Mirabella requested a modified schedule that would allow her to work remotely for three days after working one day in the office. She also provided medical documentation from her physician in support of the accommodation request. The Blood Bank denied the request, arguing that Ms. Mirabella could not effectively perform her job remotely and that permitting remote work would create an undue hardship for the organization.

The Lawsuit and Trial Outcome

Ms. Mirabella filed suit against the Blood Bank, alleging that her employer violated the New York State Human Rights Law by discriminating against her because of her disability and by refusing to provide a reasonable accommodation. During cross-examination, however, Ms. Mirabella's supervisor testified that he had previously allowed her to work remotely and that she had successfully performed her job while doing so. That testimony directly contradicted the employer's position. The jury ultimately concluded that the Blood Bank could have accommodated Ms. Mirabella, that she was capable of performing her job while working remotely, and that allowing her to do so would not have imposed an undue hardship on the employer. As a result, the jury awarded Ms. Mirabella \$954,000.

Why This Case Matters

The *Mirabella* case is reportedly the first known case recognizing both:

- Long COVID as a disability; and
- Telework as a reasonable accommodation for long COVID.

What Employers Should Consider Before Denying Remote Work Requests

Employers should carefully evaluate accommodation requests involving remote work before denying them. In particular, employers should ensure that:

- The employee cannot perform the essential functions of the position from home; and
- The employee has not previously demonstrated an ability to successfully perform the job remotely.

As *Mirabella* demonstrates, denying a work-from-home accommodation request without sufficient support can create significant legal and financial risk.

Questions About Reasonable Accommodation Requirements?

If you have questions regarding reasonable accommodations under the ADA or other employment laws, please contact Stephanie Gironda or any member of the Wilentz [Employment Law Team](#).

Attorney

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Practice

- Employment Law