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October 9, 2025

EEOC Filed 34 Lawsuits During September

Each fiscal year, the EEOC files more lawsuits during September than any other month, as the federal government's fiscal year ends on September 30. Of the 90 or so lawsuits the EEOC filed during FY 2025, 34 were filed last month. Of those 34 lawsuits, 14 alleged ADA violations and 7 alleged a violation of the Pregnant Workers Fairness Act, the Pregnancy Discrimination Act, or both. In other words, over 60% of all lawsuits filed by the EEOC last month involved a medical issue, whether disability, pregnancy, or both (in a case which the EEOC brought solely under the ADA, the underlying disability was post-partum depression).

The ADA lawsuits included allegations of reduction of hours after an employee requested an accommodation, resulting in constructive discharge; placing an employee on involuntary indefinite leave after discovering she was on medication to treat opioid dependency, despite there being no issues with her performance; failure to accommodate a leave request for outpatient mental health treatment; and, as mentioned above, terminating an employee who requested additional leave for postpartum depression. The PDA and PWFA suits involved allegations of terminations, a forced resignation, a rescinded job offer, and forced placement on leave.

The EEOC filed the fewest lawsuits during FY '25 compared to the past six years. However, the EEOC had a tumultuous start to the year, with President Trump's termination of EEOC Commissioners and General Counsel. I expect the EEOC to become more active in filing lawsuits during FY '26, once the shutdown ends.

If you have any questions or would like additional information, please contact Richard Lehr at 205-323-9260 or rlehr@lehrmiddlebrooks.com.