# $70K Settlement for Nursing Assistant Fired After Disclosing He Has HIV

The health care facility that fired him will conduct training about the Americans with Disabilities Act, an antidiscrimination law.

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Granite Mesa Health Center in Marble Falls, Texas, agreed to settle a lawsuit brought by nursing assistant Michael Janssen, whom the facility suspended and fired in 2013 two days after he told the director of nursing he had tested positive for HIV, according to a press release from Lambda Legal.

An HIV and LGBT rights organization, Lambda Legal secured the settlement, which was approved by a federal judge and the U.S. Equal Employment Opportunity Commission (EEOC).

Granite Mesa, which is now under different ownership, agreed to pay Janssen $70,000 and conduct onsite training about HIV and the Americans with Disabilities Act (ADA), a federal law that prohibits discrimination based on disability.

“As nurses living with HIV in general do not pose a risk of HIV transmission to their patients, a certified nursing assistant such as Michael—who performs basic nursing duties such as feeding, bathing, toileting and ambulatory assistance—certainly does not present any risk of transmission to the people for whom he cares,” said Lambda Legal senior attorney Paul D. Castillo in the press release. “Granite Mesa’s previous owners caved in to the fear and ignorance surrounding HIV and unlawfully fired Michael. They should have known better.”

“I am delighted at last to see justice done and grateful that Granite Mesa’s new owners acted quickly to resolve the case,” Janssen added in the press release. “I was and still am completely capable of performing all my work responsibilities. I posed no threat. In fact, right after being fired, I was rehired as a nursing assistant by my previous employer, another assisted-living facility, even though I told them I was living with HIV. My HIV status in no way affects my ability to do my job.”

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