Court Ruling: Pilot Can Sue Federal Agencies for HIV Status Disclosure

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The Ninth U.S. Court of Appeals in San Francisco ruled that small-plane pilot Stan Cooper could sue the federal government for disclosing his HIV-positive status during a security probe, reports the *San Francisco Chronicle*. Cooper's damage suit was originally dismissed in 2008 despite findings showing the Federal Aviation Administration (FAA) and the Social Security Administration (SSA) violated the Privacy Act.

The appeals court reinstated Cooper's damages suit on February 22, explaining that the law was intended to compensate people for the harm suffered when government agencies share people's confidential records. According to the article, Cooper was publicly embarrassed when he was used in a news segment about pilots who concealed serious medical problems.

A pilot since 1964, Cooper was diagnosed with HIV in 1985. Since the FAA barred HIV-positive people from flying planes at the time, he was forced to give up his license. He reapplied in 1994 without disclosing his status but applied for Social Security benefits the following year when his health worsened. In 1998—after the FAA lifted its ban on HIV-positive pilots—Cooper applied for a license renewal but did not disclose his status because he feared how the FAA would evaluate the requisite 10 years of medical records.

The FAA revoked Cooper's pilot's license in 2005 after obtaining medical information from the SSA during a probe called "Operation Safe Pilot" to determine if pilots had committed fraud in obtaining Social Security benefits or a pilot's license.

In court on Monday, Cooper said that while he should have disclosed his HIV status earlier, federal agencies should not have illegally shared his confidential medical information.

"What the Ninth Circuit is saying is that the government cannot violate the law with impunity," he said.

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