



Utah Man Sues Alaska State Troopers for HIV Discrimination

The man claims his job offer to become an Alaska State Trooper was rescinded after disclosing his HIV status.

June 15, 2023 By Laura Schmidt

A man claims that his offer of a job as an Alaska State Trooper was rescinded when he revealed his HIV status. He's now suing over the alleged [discrimination](#).

Last week, a Salt Lake City man, identified as John Doe, filed a [lawsuit](#) in Alaska state court to secure his position on the statewide police force, reports [The Associated Press \(AP\)](#). He hopes a victory in this case will help prevent others from experiencing similar discrimination.

[HIV](#) is considered a disability under the [Americans with Disabilities Act \(ADA\)](#). This federal law prohibits:

- Disclosing an employee's confidential medical information;
- Discriminating against individuals with a disability;
- Subjecting an individual to a hostile work environment because of their disability;
- Retaliating against an employee who opposes unlawful conduct.

Doe, whose HIV is undetectable and therefore untransmissible, is being represented by Anchorage-based civil rights attorney Caitlin Shortell, who filed the lawsuit electronically last week.

"There are no reservations about his ability to do the duties of the job, and he is completely fit," Shortell told [the AP](#).

According to the AP, in Doe's lawsuit "seeks to challenge the constitutionality of the Alaska State Troopers' rescission of a job offer based on his being a person who lives with HIV, in light of medical advancements that render HIV status irrelevant to a person's ability to meet the criteria for entry and service at Alaska State Troopers in any capacity."

The lawsuit cites violations of civil rights laws, the state and U.S. constitutions and the Alaska Human Rights Act. Austin McDaniel, a spokesman for the Department of Public Safety, which

oversees the troopers and was not named in the suit, said information including “an individual’s criminal history, work history, psychological fitness, physical fitness, medical fitness and truthfulness” are all taken into consideration when hiring state troopers, as “the public places immense trust in their law enforcement officers.”

Doe has wanted to be a law enforcement officer since he was a child, according to the lawsuit. He applied to be a trooper in April 2020. Six months later, he received a conditional offer of employment that confirmed his completion of the required written exam, two physical ability tests, a background test and an oral board interview. He had also passed the written psychological test and an interview and taken a polygraph test and a medical exam.

During the medical exam, Doe disclosed his HIV status and provided a nurse practitioner with recent lab results and a note from his doctor confirming that he was able to perform all the tasks of a trooper. Yet the nurse practitioner noted that Doe might require an accommodation, according to the lawsuit.

During the polygraph test, Doe was asked whether he took medication and what it was for. After telling the examiner he didn’t feel comfortable divulging private medical information, Doe disclosed his HIV status.

The Alaska State Troopers later rescinded the conditional job offer, stating that more qualified applicants were being considered, including applicants with military training and residency in Alaska, neither of which is required for the job.

The lawsuit counters that these reasons “were nothing more than a false pretext for unconstitutional discrimination based on Doe’s HIV status.”

In related news, see our POZ cover story “[Defying Discrimination](#),” about taking legal action against stigma and discrimination. It includes tips on filing an HIV lawsuit.

For more information on the ADA and HIV discrimination, visit [ADA.gov/HIV](https://www.ada.gov/HIV). You can [file an ADA complaint](#) with the Department of Justice online and by mail. For more information about the ADA, visit [ADA.gov](https://www.ada.gov), or call 800-514-0301 or 800-514-0383 (TDD). For disability discrimination, you may also visit <https://www.eeoc.gov/disability-discrimination>.

To read about similar HIV cases, click [#Discrimination](#). You’ll find articles such as “[Lambda Legal Asks Court to Allow People With HIV to Join the Military](#),” “[Abolishing Anti-Gay Law Supports the HIV Response and Champions Human Rights](#)” and “[Decriminalizing Homosexuality Saves Lives and Fights HIV](#).”