

\$22.5M Verdict Highlights Employer Obligations to Provide Pregnancy Accommodations; Key Takeaways

In *Larkin v. Total Quality Logistics, LLC*, a Hamilton County, Ohio jury found that a logistics firm's refusal to allow a pregnant employee to work from home—in accordance with her physician's orders—was a substantial factor in the premature birth and death of her newborn daughter, resulting in a \$22.5 million wrongful death verdict. Although litigated as a tort claim, the case carries significant implications under the Pregnant Workers Fairness Act (PWFA), the Americans with Disabilities Act (ADA), and broader accommodation law.

Case Overview

In early 2021, Chelsea Walsh, a claims associate at Total Quality Logistics, LLC (TQL), underwent a procedure related to her high-risk pregnancy, after which her physicians instructed her to remain on modified bed rest and work from home. Walsh submitted a remote work request supported by medical documentation, but TQL denied it and placed her on unpaid leave against her wishes, advising that she could either remain on leave or return to in-person work. Walsh returned to the office to maintain her income and health insurance.

Approximately two weeks later, on February 24, 2021, TQL approved remote work—but too late to prevent harm. That same day, Walsh experienced complications and gave birth to her daughter, Magnolia, at just 20 weeks and six days of gestation. Magnolia died several hours later.

In February 2023, the baby's estate filed a wrongful death lawsuit in Hamilton County, Ohio, and on March 18, 2026, a

jury awarded \$25 million—apportioning 90% of fault, or approximately \$22.5 million, to TQL. The court denied punitive damages, and TQL has stated it is evaluating its options for an appeal.

This case underscores the legal risks employers face when evaluating accommodation requests and highlights the need to carefully balance business needs with employee health and safety during the interactive process to avoid potential bad outcomes for both employers and their employees.

Legal Protections for Pregnant Workers

Even before the PWFA's enactment in 2022, federal law imposed meaningful obligations on employers to provide pregnancy-related accommodations. The ADA requires reasonable accommodations for employees with known disabilities, and pregnancy complications, such as high-risk conditions requiring bed rest, may qualify. Courts have increasingly recognized remote work as a reasonable accommodation, particularly for desk-based roles.

Separately, the Pregnancy Discrimination Act (PDA), an amendment to Title VII, requires employers to treat pregnant employees the same as other employees who are similar in their ability or inability to work. While the PDA does not independently mandate reasonable accommodations, it prohibits less favorable treatment of pregnancy-related conditions. Thus, if an employer allows other employees with temporary restrictions to work

remotely, denying a pregnant worker the same option may constitute pregnancy discrimination.

Since 2022, the PWFA requires covered employers to provide reasonable accommodations for known limitations related to pregnancy, childbirth, and related medical conditions—even when the condition does not rise to the level of a "disability" under the ADA—and may entitle a pregnant employee to temporarily suspend essential job functions. Covered accommodations include remote work, light duty, reduced hours, additional breaks, and time off for prenatal appointments.

An employer may deny a request only by demonstrating "undue hardship"—a significant difficulty or expense based on factors such as the nature and cost of the accommodation, the employer's financial resources, and the impact on operations.

The PWFA differs from the ADA in several key respects. It covers a broader range of qualifying conditions—including normal, uncomplicated pregnancy—heightening the employer's obligation to engage meaningfully in the interactive process for accommodation. It also limits the documentation employers may require and permits temporary suspension of essential job functions, which is a departure from traditional ADA analysis. Both statutes prohibit retaliation against employees who request accommodations.

Importantly, an employer's general preference for in-office work does not satisfy PWFA standards; the EEOC expects a particularized, fact-specific analysis. If an employer denies remote work to a pregnant employee based on a blanket return-to-office policy—without an individualized undue hardship assessment—it may face substantial exposure, particularly where the role is desk-based or has been previously performed remotely, whether by a pregnant employee or others in the same or similar positions.

As *Larkin* demonstrates, insisting on in-office work where it could result in medical harm may expose employers to liability beyond employment discrimination damages and into tort law, where statutory damage caps may not apply, and jury awards can be significantly larger.

Practical Takeaways for Employers

The *Larkin* verdict highlights the importance of employers investing in training, engaging in meaningful dialogue, and approaching accommodation decisions with both legal rigor and compassion. Employers that take the following steps will be better positioned to comply with the PWFA and mitigate risk:

- **Train supervisors and HR personnel.** Ensure managers and HR staff understand obligations under the PWFA and ADA, including the duty to engage in a timely, good-faith interactive process when an employee requests an accommodation related to pregnancy. Emphasize that unreasonable delay or unjustified denial may itself create liability.
- **Review and revise return-to-office policies.** Audit existing RTO policies to ensure they allow for individualized assessment of accommodation requests. Blanket policies that fail to account for medical accommodations present litigation risk. Employers should be particularly attentive where the role at issue is desk-based or has been performed remotely in the past—whether by the employee requesting accommodation or others.
- **Document the interactive process and legitimate business reasons.** Employers should carefully document every step of the interactive process, including the accommodation requested, the information considered, the alternatives explored, and the business justifications for any denial. Decisions should reflect specific, legitimate reasons tied to undue hardship—not generalized preferences.
- **Apply policies consistently and fairly.** Consistent application of attendance, remote work, and accommodation policies across the workforce reduces the risk of discrimination claims based on gender, pregnancy, disability, and other protected characteristics. Inconsistent treatment invites scrutiny.
- **Respond promptly and with empathy.** Employers should act without unnecessary delay when presented with medical documentation. The *Larkin* case illustrates the tragic consequences of delayed or inflexible responses.

Beyond legal compliance, the *Larkin* case serves as a sobering reminder that employment decisions affecting pregnant workers carry profound human consequences and associated legal risks. Treating pregnant employees with

dignity—meaningfully engaging with accommodation requests—is not only legally required but sound business practice. Employers that engage in good faith to reasonably accommodate pregnancy-related needs consistent with legal obligations not only reduce legal risk but also support employee well-being, retention, and productivity, reinforcing a workplace culture that values its people and their families.

FOR MORE INFORMATION

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