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# BRIGHT CASE: JUDGE RULES IN FAVOR OF BOYNTON CRA

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## Jury awards \$762K to veteran fired from Delray job due to post-traumatic stress disorder

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BY JANE MUSGRAVE - PALM BEACH POST STAFF WRITER

**WEST PALM BEACH** – For the second time in a month, a jury has slapped a city in Palm Beach County for mistreating a veteran who suffers from post-traumatic stress disorder.

After deliberating for 45 minutes, a jury on Thursday ordered Delray Beach to pay decorated Vietnam veteran Robert Desisto \$762,000 for forcing him to retire after he explained he couldn't drive a 20-ton truck on the open road because he suffers from panic attacks.

Attorney Sid Garcia, who represents Desisto, said the decision once again shows that municipal governments have a lot to learn about dealing with combat veterans.

“There’s a great deal of ignorance about mental health issues in general and post-traumatic stress disorder in particular,” he said. “Employers need to tighten up their policies and make sure they’re treating these employees fairly.”

Garcia also represented Iraqi war veteran Matthew Ladd, who last month won an \$880,000 verdict from a jury that agreed West Palm Beach improperly kicked him off the police force on the mere suspicion he suffered from the malady that used to be known as battle fatigue. While Ladd was later diagnosed with PTSD, Garcia argued that accommodations can be made. The city is appealing the decision.

In Desisto’s case, Delray officials in 2010 strongly recommended he retire from his 29-year job as a water plant operator after he explained that he couldn’t comply with a new rule that required all workers to be licensed to drive commercial trucks. Their insistence continued even after doctors at the Veterans Administration Medical Center explained that his condition prevented him from driving large trucks on the highway.

“He suffers from panic attack and flashbacks. He didn’t trust himself on the roadway in a 20-ton truck,” Garcia said.

Delray Beach City Attorney Brian Shutt didn’t return a phone call for comment. Garcia said the city argued that Desisto’s



Robert Desivsto

retire was his own and his combat ills had nothing to do with it.

However, Garcia said, emails he uncovered disputed both claims. “They buried themselves with their own emails,” he said.

Further, he said, other water treatment workers — one with a back problem and another with knee problems — were exempted from the licensing requirement. Like physical ills, employers must accommodate those with mental problems.

Desisto, who served in the U.S. Army’s 101st Airborne Division where he earned an Air Medal for completing 25 combat missions and a Bronze Star in Vietnam, said he was gratified by the jury’s decision. A loyal and dependable city worker for nearly three decades, the 65-year-old who now lives in Port St. Lucie said he wanted to retire on his own terms.

After experiencing years of inexplicable problems, he was finally diagnosed with PTSD in 2007 — a diagnosis he shared with his bosses.

Local veterans, some of whom are in his therapy group, came to the trial to support him. “It’s a victory for all Vietnam vets, all Iraqi vets and all Afghanistan vets and anyone who suffers PTSD,” he said.

Feedback