

STEVENS, J., dissenting

SUPREME COURT OF THE UNITED STATES

No. 97–1992

VAUGHN L. MURPHY, PETITIONER v.
UNITED PARCEL SERVICE, INC.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE TENTH CIRCUIT

[June 22, 1999]

JUSTICE STEVENS, with whom JUSTICE BREYER joins,
dissenting.

For the reasons stated in my dissenting opinion in *Sutton v. United Air Lines, Inc.*, ante, p. ____, I respectfully dissent. I believe that petitioner has a “disability” within the meaning of the ADA because, assuming petitioner’s uncontested evidence to be true, his very severe hypertension— in its unmedicated state— “substantially limits” his ability to perform several major life activities. Without medication, petitioner would likely be hospitalized. See App. 81. Indeed, unlike *Sutton*, this case scarcely requires us to speculate whether Congress intended the Act to cover individuals with this impairment. Severe hypertension, in my view, easily falls within the ADA’s nucleus of covered impairments. See *Sutton*, ante, at 3–9 (STEVENS, J., dissenting).

Because the Court of Appeals did not address whether petitioner was qualified or whether he could perform the essential job functions, App. to Pet. for Cert. 5a, I would reverse and remand for further proceedings.