

## MAN SUING IBM OVER CHAT ROOM FIRING

**Newscaster:** Ok. Here it is. A guy gets fired from IBM for visiting an adult chat room, while at work. Usually the story would end there, of course, but James Pacenza isn't going quietly. He is suing the company for five million dollars. The Vietnam vet says, "He has post-traumatic stress disorder and chat rooms are his treatment." So, does he have a legal leg to stand on? Well let's ask Tad Nelson. He is a defense attorney and former prosecutor. Hi, there Tad. Ok, so this guy says, "He is working at IBM." He admits that during his five to ten minute break from working on the machines, he decides to log on to some adult chat site. He says and I quote, "I felt I needed the interactive engagement of chat talk, sexual chat talk, to divert my attention from thoughts of Vietnam and death." Is it just me or is this patently laughable?

**Tad:** It is patently laughable. And the funny thing is, he really should say, is what he needed in his chat talk was to divert his attention away from his job.

**Newscaster:** Apparently, I mean, the thing is though, he says that there was no written IBM policy against this, which is sort of; there is probably no written IBM policy against a lot of things. That does not mean they want to encourage them and says look, "I am a sex addict that's my problem." "I am a sex addict and I have got to have this kind of interaction on the job." But basically he says, "He is disabled." But that is not a recognized disability under the America's disabilities act, am I wrong?

**Tad:** You are a hundred percent right and actually it specifically excluded any sexual disorders are all excluded by the America's with disabilities act. Here we got his lawyer coming up with a more novel claim; it's an internet kind of disorder. So, now we have a sexual disorder tied with an internet disorder. The guy is just making stuff up; it's crazy.

**Newscaster:** Let me play "Devil's advocate" for a moment because he does say, "Look I was fifty five, when it happened; I was one year away from retirement." "They want to get out of paying me my heavy retirement is basically his claim." And this was age discrimination; this is just a pretense because he says, "A couple got caught having sex on the job, on a desk at IBM, and they did not get disciplined or at least not fired." So, he his claiming, they are basically doing this to kick him out because he is old.

**Tad:** Um, yeah, he is asking for five million dollars and when he is looking at sixty five thousand a year and he has ten more years of work; how he got to five million dollars is just shocking.

**Newscaster:** Yeah. And P.S. for our viewers, not that fifty five is old; just under the America's with disabilities act once you're over forty technically you may qualify for protection. Tad thanks so much for being with us.

**Tad:** Thank you.