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Rush claims age discrimination

Editor's note: As filed, a civil lawsuit states only the plaintiff's side of an issue. The defendant's response can be filed within 20 days.

By **SCOTTY OFFUTT**
CJ Staff Writer

A former employee of the

Somerset-Pulaski County Emergency Medical Service claims he was fired because he was 42 years old, according to a civil suit filed yesterday in Lexington federal court.

The action, which names John W. Rush as the plaintiff and the S-PCEMS, the city of Somerset,

Pulaski County and Billy Miller as defendants, was filed by Lexington attorney Robert L. Abell.

Miller is the chief of the ambulance service.

The suit claims Rush was

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Lawsuit

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employed at the ambulance service beginning in May 1984 and was discharged Dec. 26, 1989, when he was 42. The suit claims Rush "performed all of the duties assigned to him in a professionally competent manner, faithfully followed all reasonable instructions given him by his supervisors, and abided by all rules and regulations of his employer."

The suit claims a March 1989 news story in the Commonwealth Journal quoted Miller as stating that emergency medical services was "a young man's game," and that Miller allegedly "made numerous disparaging references to (Rush's) age" during his employment.

Rush also claims that three people were promoted to shift captain positions, "all of whom were less than 40 years of age," and that Rush, "upon information and belief, ... had a greater number of years serving in emergency medicine" than the three.

Following those appoint-

ments, Rush "indicated to Miller his intention to pursue an official grievance that his non-appointment ... constituted an instance of age discrimination."

The suit further claims that Miller allegedly "proceeded to ridicule and humiliate (Rush) before the other S-PCEMS employees in attendance."

The suit makes several other claims and stated that on Dec. 29, 1989, "Miller provided (Rush) with a written notice of his termination that stated (that Rush was fired) because he had 'obtained copies of medical reports without proper authority.'"

The suit seeks reinstatement to his position with S-PCEMS with back pay, damages and benefits; Rush's costs in the lawsuit and attorney's fees; compensatory damages; punitive damages and a jury trial.

When contacted today, Miller declined to comment on the suit.

A copy of the lawsuit was sent by facsimile machine to the Commonwealth Journal office and indicated it came from Abell's Lexington office.