

# Lawsuit alleges RiteAid discriminated against cashier for his cancer diagnosis and need for medical leave then fired him

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OAKHURST, CA, UNITED STATES, January 5, 2022 /EINPresswire.com/ -- Lawsuit alleges Rite Aid discriminated against cashier for his cancer diagnosis and need for medical leave, firing him after he exercised his medical leave rights.

Byron Creamer, a former Cashier, has now filed suit against his former employer, Rite Aid Corporation and Thrifty Payless, Inc. (dba) Rite Aid ("Rite Aid"). In his complaint filed on November 2, 2021, Case Number MCV086197 in Madera County Superior Court, Creamer claims that his former supervisor engaged in a pattern of unlawful discrimination on the basis of his disability, in addition to his need for medical leave.

In the lawsuit, Creamer alleges that he informed his supervisors that he had to take work off due to the problems associated with his eye, which was initially diagnosed as Bell's Palsy, but would later be revealed to be undiagnosed cancer, the type of which is medically known as Langerhans cell histiocytosis. At first, Creamer's suit alleges his doctor took him off work for a few days in October 2020 for conjunctivitis in his eye; then, tragically, a tumor was noticed by his physician in November of 2020, and a cancer diagnosis was confirmed in December of 2020. The lives of Creamer and his wife were shattered upon receiving the news, his lawsuit claims. Although Creamer hoped that Rite Aid management would be understanding during this difficult time, he alleges that their callous and indifferent actions following his diagnosis prove otherwise.

Throughout this time period, and prior to his termination, Creamer further alleges that he continuously informed his supervisors of the status of his health, including his cancer diagnosis. Creamer further claims he asked his supervisor for time off and was told to contact Rite Aid's personnel who handled leaves of absence. Creamer alleges that the leave of absence personnel stated that he could not be granted any leave of absence, because he could only qualify for such leave with at least six months of employment.

Creamer's lawsuit claims that Rite Aid personnel, including the leave of absence personnel, in addition to his supervisor, were aware of Creamer's urgent need for medical leave to deal with his cancer. Creamer alleges that rather than accommodating this need, Rite Aid management instead illegally terminated his employment via letter in January of 2021. Creamer claims that this letter wrongfully states he was voluntary resigning, when in reality he was unlawfully terminated during one of the most difficult periods of his life.

Creamer is represented by attorney Kyle Todd, Esq. and Alfredo Nava, Esq. of Kyle Todd, P.C. Requests for comment can be directed to Mr. Todd, at (323) 208-9171 or [kyle@kyletodd.com](mailto:kyle@kyletodd.com).

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