

Arbitrator Rules in Favor of Nurse in Disability Discrimination & Retaliation Claim Against DMC of Modesto

An arbitrator found DMC of Modesto liable for disability discrimination, failure to accommodate, & retaliation against longtime trauma nurse Mavis Barnard.

MODESTO, CA, UNITED STATES, August 5, 2026 /EINPresswire.com/ -- An arbitrator has ruled in favor of Mavis Barnard, a former Clinical III trauma nurse, in her employment dispute against Doctors Medical Center of Modesto Inc. ("DMC"), a Tenet Healthcare facility. Barnard was represented by [Shegerian Conniff LLP](#). Senior Attorney Levon Derkalousdian served as lead arbitration counsel alongside Senior Attorney Isabella DeSisto serving as second chair.□

Barnard worked as a trauma nurse at DMC from 2004 until her resignation in December 2023. She rose to Clinical III on the hospital's clinical ladder and consistently received positive performance reviews along with multiple internal awards. Beginning in 2018, she developed back and leg pain that a 2022 MRI confirmed was nerve impingement. She repeatedly asked her supervisor, Jan Cartner, for an ergonomic chair and desk. Neither was ever provided, and DMC never went through the process to evaluate the request.

In 2023, Barnard took a medical leave for back surgery. According to the arbitrator's findings, emails exchanged between Cartner and her supervisor, Belinda Bearden, during that leave described Barnard's leave as "bogus" and stated her intentions to "take her down" on the clinical ladder. Barnard was later demoted from Clinical III to Clinical I over an MICN certification the arbitrator found she had renewed and submitted on multiple occasions. DMC did not reverse the demotion until Barnard's attorneys sent a demand letter, months after Cartner and Bearden knew the certification had not expired.

The arbitrator granted Barnard's claims for [disability discrimination](#), failure to accommodate, failure to engage in the interactive process, failure to prevent discrimination, and CFRA/FEHA retaliation. Claims for harassment, [whistleblower retaliation](#), wrongful constructive termination, and intentional infliction of emotional distress were denied. Barnard was awarded \$150,000 in emotional distress damages and was found to be the prevailing party. The interim award issued July 10, 2026, by arbitrator Judge Donald S. Black through the American Arbitration Association, leaves attorneys' fees and costs to be determined in further briefing. "Many employees believe arbitration means the odds are stacked against them," said Derkalousdian. "This decision is an important reminder that arbitration can still provide a meaningful avenue for justice and that

employers who violate California's workplace protections can and will be held accountable."

"Our greatest satisfaction comes from seeing Ms. Barnard finally receive the justice she fought so hard for," said DeSisto. "She showed remarkable strength throughout this process, and we are honored to have represented her."

This case was filed in Los Angeles County under case number CV-23-007464.

If you or someone you know is facing workplace harassment or discrimination, contact Shegerian Conniff today.

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