

United States Court of Appeals

FOR THE EIGHTH CIRCUIT

No. 96-2402

James R. Fredricks,	*
	*
Appellant,	*
	*
v.	*
	*
ADM Milling Company, Inc.	*
	*
Appellee.	*

Appeal from the United States District Court for the Western District of Missouri.

[UNPUBLISHED]

Submitted: January 17, 1997

Filed: April 7, 1997

Before FAGG, WOLLMAN, and MURPHY, Circuit Judges.

PER CURIAM.

James R. Fredricks brought this action under the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §§ 12101-12213, against ADM Milling Co., Inc. (ADM). He asserted that after he underwent total left knee replacement surgery in 1992, ADM refused to let him resume the maintenance position he had held since the mid-1970s. The parties agreed to the appointment of a Special Master, whose factual findings would be final.

After a hearing, the Special Master found that Fredricks could not perform the required functions of his maintenance position without violating medical restrictions his treating physician imposed upon releasing him to return to work. The Special Master further found that ADM's decision not to return Fredricks to his

prior position was based on those medical restrictions, and thus concluded that his ADA claim failed. The district court¹ held that the Special Master committed no error of law, and adopted the report. Fredricks timely appealed.

After reviewing the record and the parties' briefs, we agree with the district court's conclusion. See Wooten v. Farmland Foods, 58 F.3d 382, 385 (8th Cir. 1995).

Accordingly, we affirm.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.

¹The Honorable Howard F. Sachs, United States District Judge for the Western District of Missouri.