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national news

Unfriendly skies

Two United Airlines pilots seek justice after the company grounds them for being HIV positive

by Stephen Chrysler

Two gay airline captains have had a serious setback in their fight to change the policies of their employer, United Airlines, regarding workers with HIV or AIDS. The pilots, who were grounded for being HIV positive, struggled to build a case against the airline that was scheduled for trial in December. However, United's attorneys persuaded a U.S. district court to dismiss the case before the trial began. The pilots, Chris Prilliman and Paul Rafalowski, are appealing the dismissal.

The pilots' attorney, Peter Laura, said in a Nov. 9 statement, "Judge Abraham Gorenfeld based his decision to dismiss the case on FAA regulations, which he interpreted to mandate the grounding of airline pilots with AIDS, and on his belief that United was not required to reasonably accommodate the plaintiffs in this case."

Prilliman stated that the suit is not about personal financial gain. The pilots had filed suit with no monetary amount named, and were asking United to institute retirement benefits, commence training programs about HIV issues, include AIDS organizations in its public relations charity programs, and most importantly, actively assist those employees with HIV or AIDS who still want to work.

One month prior to the dismissal, United had offered the pilots \$10,000 to drop the case. Laura rejected the offer, explaining that at that time "We were looking forward to the trial, and we were confident we could get a good result from the jury."

On the day when Prilliman was suddenly and permanently grounded, in August 1994, United also froze his final paychecks, canceled his stock options and cut his health insurance. Prilliman said, "I felt like I was treated—once they learned my HIV status—like a common criminal, like a pariah. The feeling that I got, by the harassment that I got, was just like, 'Maybe it'll push him over the edge and he'll get sicker and die and just go away.'"

Since beginning his battle to be retired humanely, Rafalowski's health has greatly deteriorated. His viral load has shot up and cytomegalovirus has infected his spinal cord, his eye and possibly his brain. Robust at the time of his dismissal, he is now mentally compromised and physically disabled. Rafalowski's lover is angry at United's actions and believes that the airline's treatment, which included eight weeks of haggling over dental insurance, contributed to Rafalowski's worsening health. Rafalowski's lover, who is a pilot at Delta Airlines said, "Delta is much more human and understanding towards

their employees who get HIV."

Earlier this year, United mounted a moderately successful public-relations blitz regarding the trial. Dr. Gary Kohn, the company's corporate medical director, met with a variety of AIDS advocacy groups to profess United's innocence of any wrongdoing. However, the airline offered no reasonable explanation for not allowing the men to work in ground positions or for freezing pay and benefits. Connie Huff, United's manager of media communications, has repeatedly avoided responding to the key issues in connection with this report. Huff played phone tag, eventually scheduled an interview and then, days later, canceled it seconds before it was to occur. Huff also



Chris Prilliman

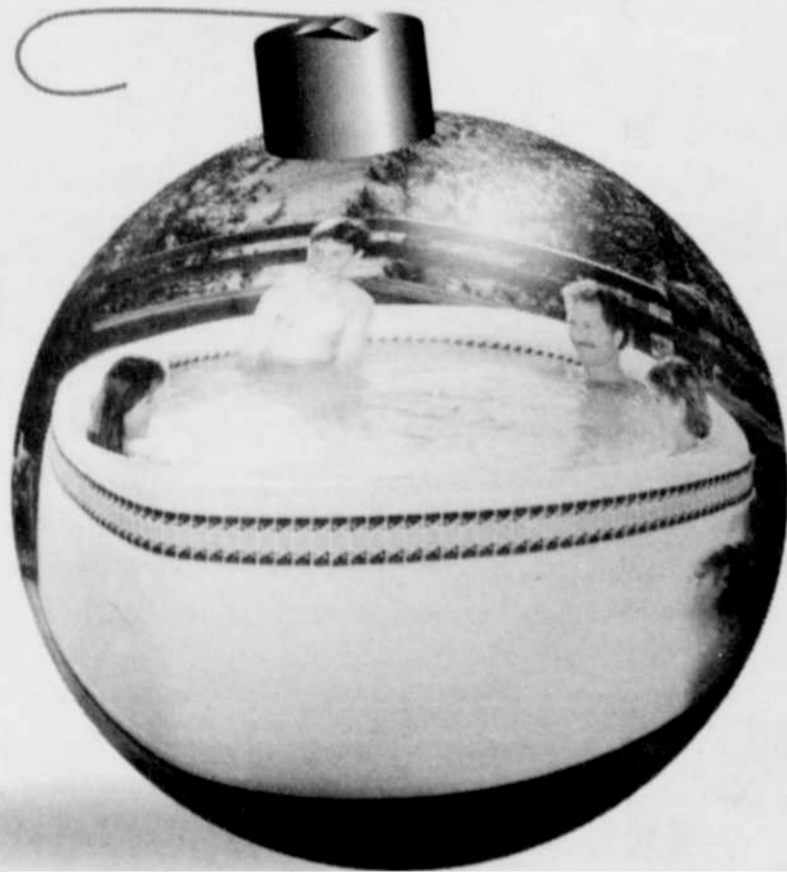
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ignored requests to respond in writing.

Prilliman expressed the hope that if United were to improve its treatment of employees with HIV or AIDS, other airlines would follow suit. In addition to asking that people choose another carrier when traveling, Prilliman and Rafalowski suggest that those concerned about United's bad corporate citizenship contact the company's CEO, Gerald Greenwald, at (708) 952-5488.

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