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Man Claims He Was Secretly Fired After Getting Medical Leave

ROBERT STORAGE, The Connecticut Law Tribune

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A Stratford man has sued the marketing firm he once worked for, claiming it approved his disability leave only to revoke it five months later and terminate him without reason.

Edward Evanko claims that Florida-based Acosta Marketing, which employs more than 300 people in Connecticut, signed off on his medical leave in order to treat an infection and undergo surgery in the area of his amputated leg in September 2015. Both parties agreed that Evanko would return to work in this past March, according to the 14-page complaint.

Evanko had surgery in the area of his leg on Dec. 15, 2015, but was terminated and his disability leave revoked on Jan. 11, 2016.

Acosta failed to tell Evanko of his termination and the revocation of his disability leave, according to the complaint. Evanko only learned about it in February 2016 "after being denied health coverage from his health care provider during his disability leave."

The lawsuit was filed Oct. 26 in Superior Court in Bridgeport and was moved to U.S. District Court in Bridgeport on Thursday.

Evanko was hired by Acosta in February 2014 as a product merchandiser. His duties included traveling to sales locations and performing merchandising tasks with an iPad. It's also alleged that Evanko spoke to Acosta and Irving Santana, one of his supervisors, "every 10 days and implored Santana to keep his job position open during his disability leave because ... he had full intentions on returning to work after his leave."

In his lawsuit, Evanko states his disability was covered by the Connecticut Fair Employment Practices Act and that Acosta acted "with malice and/or reckless indifference to" his rights.

In an "enlargement of time" motion filed with the court Thursday, Acosta states it needs 30 days to respond to the complaint.

"The defendant needs additional time to review and investigate the allegations of plaintiff's complaint in order to prepare an appropriate response," wrote James F. Shea, the Hartford-based attorney with Jackson Lewis, representing Acosta.

Shea declined to comment Monday and referred all comments to Acosta. No one from the marketing firm was available for comment.

Christopher J. Berlingieri of the New York City-based Berlingieri Law, represents Evanko. Berlingieri did not object to the 30-day request.

The lawsuit is seeking, among other things, unspecified compensatory damages, attorney fees, back and front pay, and a jury trial.

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