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Diabetic to begin career as diplomat Sued after offer was rescinded

By Jonathan Saltzman, Globe Staff | December 12, 2009

Anna Balogh became interested in pursuing a career as a diplomat in 1990, when she lived in Hungary the summer after her freshman year at Wellesley College. Communism was collapsing in Europe. Her roommate was an East German, and they urgently discussed Germany's looming reunification. History was unfolding at stunning speed before their eyes.

Thirteen years later, the Lincoln woman applied for a highly competitive job as a Foreign Service officer and received an offer in November 2003. But her excitement soon gave way to crushing disappointment when the State Department withdrew the offer for a reason she found unfathomable: Balogh is an insulin-dependent diabetic. The government denied her medical clearance because she had to be fit to work at any of about 270 posts worldwide, including some in remote locales.

This week, days before Balogh's civil rights lawsuit against the State Department was to go to trial in US District Court in Boston, the 38-year-old and the government settled the dispute out of court. Balogh will be appointed as a Foreign Service officer for a three-year trial period, she said, and hopes it will become permanent.

The government also agreed to pay her a sum, which she declined to disclose, for wages lost when she was not hired.

"Overall, I would say I'm satisfied because at the end of the day, what was most important to me was getting the job," said Balogh, who has a master's degree from Tufts University's Fletcher School of Law and Diplomacy. "I'm exhausted and just relieved, frankly. This was not a typical path for a Foreign Service officer."

Her lawyer, Hillary Schwab of Boston, said she believes Balogh's federal lawsuit was the first filed by someone rejected as a Foreign Service officer because of insulin-dependent, or Type 1, diabetes. Schwab said she hoped the settlement would prod the State Department to eliminate a hiring ban that she and her client consider outdated, given the availability of insulin and medical treatment for diabetics worldwide.

"I believe this will pave the way for other insulin-dependent diabetics who run up against the State Department exclusion," Schwab said.

The US attorney's office in Boston, which defended the government in the suit, had no comment on the settlement, according to Christina Dilorio-Sterling, a spokeswoman for the office. State Department officials also declined to comment.

In court filings, the government denied that it had discriminated against Balogh. It said the congressional Foreign Service Act of 1980 said diplomats must expect to serve abroad "for substantial portions of their careers" and be ready to go to anywhere. The goal of the so-called worldwide availability requirement, said the government, was to address a decline in officers willing to accept assignments outside Europe and Washington.

Insulin-dependent diabetics cannot meet the requirement, the government said, because the State Department might have to assign them to isolated posts where diseases such as malaria and dengue fever are prevalent. Those mosquito-borne diseases make it hard for diabetics to maintain appropriate glucose levels, said the government.

But Balogh said the policy was based on antiquated views of her disease. Balogh, who is single, has spent seven years living in Hungary and Belgium (she speaks Hungarian and French) and never had trouble managing her diabetes, she said. She uses an insulin pump, checks her blood sugar every two hours, and carries food with her in case her glucose levels drop. Although many diplomats are posted in far more secluded areas than where she lived in Europe, she said, "You can get insulin everywhere. This is not a boutique disease."

Balogh contended that the withdrawal of the job offer violated her rights under the Americans with Disabilities Act, the 1990 federal law that prohibits employers from discriminating against people with physical or mental impairments.

When Balogh filed her suit in 2007, it was an open question whether people who managed their diabetes with insulin could prove that they were protected by the federal law, Schwab said. However, a change in the law by Congress that went into effect in January broadened the statute to protect such individuals.

Under the terms of the settlement, the State Department plans to assign Balogh to a post it considers suitable given her diabetes and not to a remote tropical location, Schwab said. Afterward, the government will reexamine the matter. If the State Department does not keep her, Schwab said, her client has reserved the right to sue again.

Balogh says she just wants to start her job, which pays about \$70,000 a year. The daughter of Hungarian immigrants, she has worked in recent years in Boston as a consular officer and cultural attaché in the Honorary Consulate of the Republic of Hungary.

She hopes her work in the Foreign Service enables her to dispel myths about her disease.

"There is an enormous amount of ignorance about Type 1 diabetes in the world," she said. "I really want this to be a teaching moment."