

# Court rules cross-dresser can sue bank for sex bias

By ANDREA ESTES

A man who says he was refused a bank loan application because he was wearing makeup and women's clothes can sue for sex discrimination, the federal appeals court ruled yesterday. In a decision hailed by gay and lesbian advocates, the court ruled that people who don't conform to gender stereotypes, such as cross-dressers, can be protected by anti-discrimination laws.

The ruling, written by Justice Sandra Lynch, reinstated the lawsuit brought by Lucas Rosa, who alleges he was denied an application for a car loan when he visited the Park West Bank & Trust Co. in Holyoke on July 21, 1998.

When Rosa showed photo IDs, one of which showed him looking like a man and another as a woman, he was told to go home and change, the suit alleges. The bank worker told him to wear clothes like the ones shown in the male-appearing ID, according to the suit.

He left the bank and didn't return.

Saying he felt embarrassed, depressed and humiliated, Rosa, who always dresses as a woman, sued.

He alleged the bank employee violated the federal Equal Credit Opportunity Act and other state anti-discrimination laws.

But U.S. District Court Judge Frank Freedman threw out the case, saying the ECOA doesn't prohibit discrimination based on sexual orientation. Rosa, represented by Gay & Lesbian Advocates & Defenders, appealed and won. The case will now go back to Freedman.

The bank's lawyer said the worker was simply baffled after Rosa produced an ID showing a man "with short cropped hair of a different color."

"There was confusion over whether there was a proper identification here," said attorney Robert Dambrov. "When (the bank worker) raised the issue, the plaintiff got up and walked out. The plaintiff alleges the bank employee told him to come back dressed as in the pictures. The bank denies that."