

## only her surgeon knows for sure

NEW ORLEANS — A “prospective transsexual” must follow her employer’s male dress code until she undergoes male-to-female sex reassignment surgery, a federal appeals court has ruled.

The Los Angeles *Daily Journal*, a legal newspaper, reports that the Fifth Circuit Court of Appeals here agreed with a lower court ruling in Tampa, Fla., that Raegan Kelly, then known as Robert Kirkpatrick, was, until changed “from male to female,” bound by rules applying to men.

Around Jan. 1, 1978, Kelly, then Kirkpatrick, informed his employers at a beauty salon that he was preparing to undergo “a medically supervised sex reassignment process,” and that, in preparation for the operation, he was directed by his physician to “live as a female.”

When Kelly began to wear female attire, representatives of the salon and the department store surrounding it ordered her to wear men’s clothes or risk dismissal. She refused and was fired.

Kelly filed suit in Tampa, claiming the employers conspired to deny her her fair rights as a woman and as a transsexual.

The Fifth Circuit Court did not deal with the question of transsexual rights, because the issue was not properly raised, the *Daily Journal* reports. The court did rule, however, that Kelly’s rights as a woman did not start until she medically became one.