

Third Circuit Reinstates FMLA Lawsuit

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Earlier this month, the Third Circuit Court of Appeals issued a decision reinstating a former bus driver's lawsuit alleging violation of the Family and Medical Leave Act ("FMLA").

The FMLA entitles eligible employees to take job protected leave for their own medical reasons or to care for a family member with medical needs. Employers may not interfere with or retaliate against employees for asserting their FMLA rights.

Isaiah Walker alleged in his lawsuit that his employer terminated him in violation of the FMLA when he missed work and asked for leave as a result of his sickle cell anemia. He called in to work to report that he was going to the hospital, which coincided with him also experiencing a lack of childcare on the same day. Walker updated his employer later that day and initiated a formal FMLA request, which was ultimately approved. Nonetheless, he was disciplined and discharged for missing work citing caregiving responsibilities.

The Third Circuit determined sufficient evidence was present in the record to establish that the employer was aware of Walker's protected FMLA leave. The matter was reinstated and will now proceed.

Are Your FMLA Leave Policies Legally Compliant?

Employers should proceed with caution if an employee may be protected by the FMLA and there is a coinciding reason for the employee's leave. If you need assistance assessing an employee's entitlement to protected leave and whether you can terminate them, please contact the [Employment Law Team](#) at Wilentz.

Attorney

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Practice

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