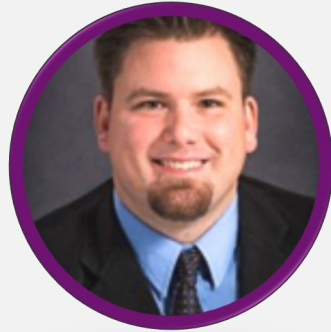




# Claim & Order: From FAQ to Verdict

April 15, 2026

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## Claim Scenario 1: Intermittent FMLA Leave that Exceeds the Medical Certification



# Case Law: Unforeseeable Intermittent Leave

## 149 F.4<sup>th</sup> 656 (6th Cir. 2025)

- Frequency of absences exceeded certification.
- "An estimated number of days of intermittent FMLA leave on a medical certification form does not operate as an exact limit of eligible days of leave an employee can take."
- Employer had the ability to request recertification but did not do so.

## 2025 U.S. Dist. LEXIS 120416 (N.D. Tex. Jun. 25, 2025)

- Employee took leave on weekends; certification did not indicate employee would be absent on weekends
- Court granted summary judgment for employer
- Employee given opportunity to submit updated certification





## Claim Scenario 2: Foreseeable Intermittent FMLA Leave and Travel Time



# DOL Guidance: Foreseeable Intermittent Leave



## U.S. DOL Opinion Letter (FMLA2026-2) (Jan. 5, 2026)

- FMLA leave may be used for time spent traveling to or from medical appointments.
- Medical certification need not provide an estimate of an employee's travel time for it to be complete.
- FMLA-protected leave for travel time does not encompass stops en route to the medical appointment.





## Claim Scenario 3 The FMLA Medical Certification that Appears Incomplete



# Case Law: Incomplete Medical Certifications

## 137 F.4th 641 (7th Cir. 2025)

- Employee was absent due to morning sickness.
- Certification stated that employee needed to attend regular appointments and recuperate for six weeks after birth.
- Employee's absences for morning sickness were deemed "unauthorized"
- "The employee's entitlement to FMLA leave is not strictly bound by the precise parameters laid out in the medical certification."

## 2025 U.S. Dist. LEXIS 120416 (N.D. Tex. Jun. 25, 2025)

- Employee took leave on weekends for unforeseeable flare-ups.
- Medical certification did not indicate employee would be absent on weekends.
- Court granted summary judgment for employer



A blurred background image showing a crowd of people with their hands raised, suggesting an interactive session or a Q&A period at a conference.

## Discussion: Where Does This Leave Employers?





## Claim Scenario 3: The Existing Accommodation and a Change in Management



# Case Law: Rescission of ADA Accommodations

## Civ. No. 1:23-cv-06902 (E.D.N.Y. 2025)

- Employer granted accommodation that allowed Employee to perform her job successfully.
- New management discontinued accommodations
- Employee struggled and was fired.
- \$60,000 settlement.

## 132 F.4th 242 (2d Cir. 2025)

- Teacher permitted to leave campus to take breaks during “prep periods”
- New policy prohibited teachers from leaving campus during prep periods
- “An employer must, absent undue hardship, offer a reasonable accommodation . . . to an employee with a disability even if that employee is capable of performing the essential functions of her job with or without the accommodation.”





## Claim Scenario 4: The Existing Accommodation and the Change in Circumstances



# Case Law: Modification of an Accommodation



## 142 F.4th 918 (7th Cir. 2025)

- Employer provided a parking space and a locked room for Employee to store a mobility scooter.
- Due to pandemic, Employer offered an alternative accommodation. Employee rejected the proposed accommodation because storage space was not locked.
- Court found alternate accommodation was reasonable (albeit imperfect), and pandemic constituted a change in circumstances that justified the modification.



A blurred background image of a conference or meeting. Several people are visible, with their hands raised in the air, suggesting an interactive session or a Q&A period. The lighting is bright and natural, possibly from a window. The overall tone is professional and collaborative.

## Discussion: How Should Employers Handle Ongoing Accommodations?



# Questions?

