



# Louisville Attorney Interprets Major FMLA Case Rulings from the Past Decade with HR Dive

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In an interview with *HR Dive*, **Emily Litzinger** shares her insight on two FMLA case rulings. The first being a 2014 ruling that held an employee "can affirmatively decline to use FMLA leave, even if the underlying reason for seeking leave would have invoked FMLA protection." Emily explains that this ruling is an outlier and will likely be overturned because it's in direct conflict with a U.S. Department of Labor opinion letter.

Emily also discusses a 2022 ruling that held an employee did not need to provide formal notice every time he needed days off for his recurrent mental health condition, which had already been approved for FMLA leave. She explains that the key takeaway is for employers to have really clear call-in procedures, especially as more mental health-related FMLA notices are filed.

"It's a relevant topic, and it's probably happening more than employers realize. It's just a reminder for employers to be conscious of their communications and employee leave."

To read the article visit [\*HR Dive\*](#). She also shares her insight in this article with [\*Legal Dive\*](#).

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