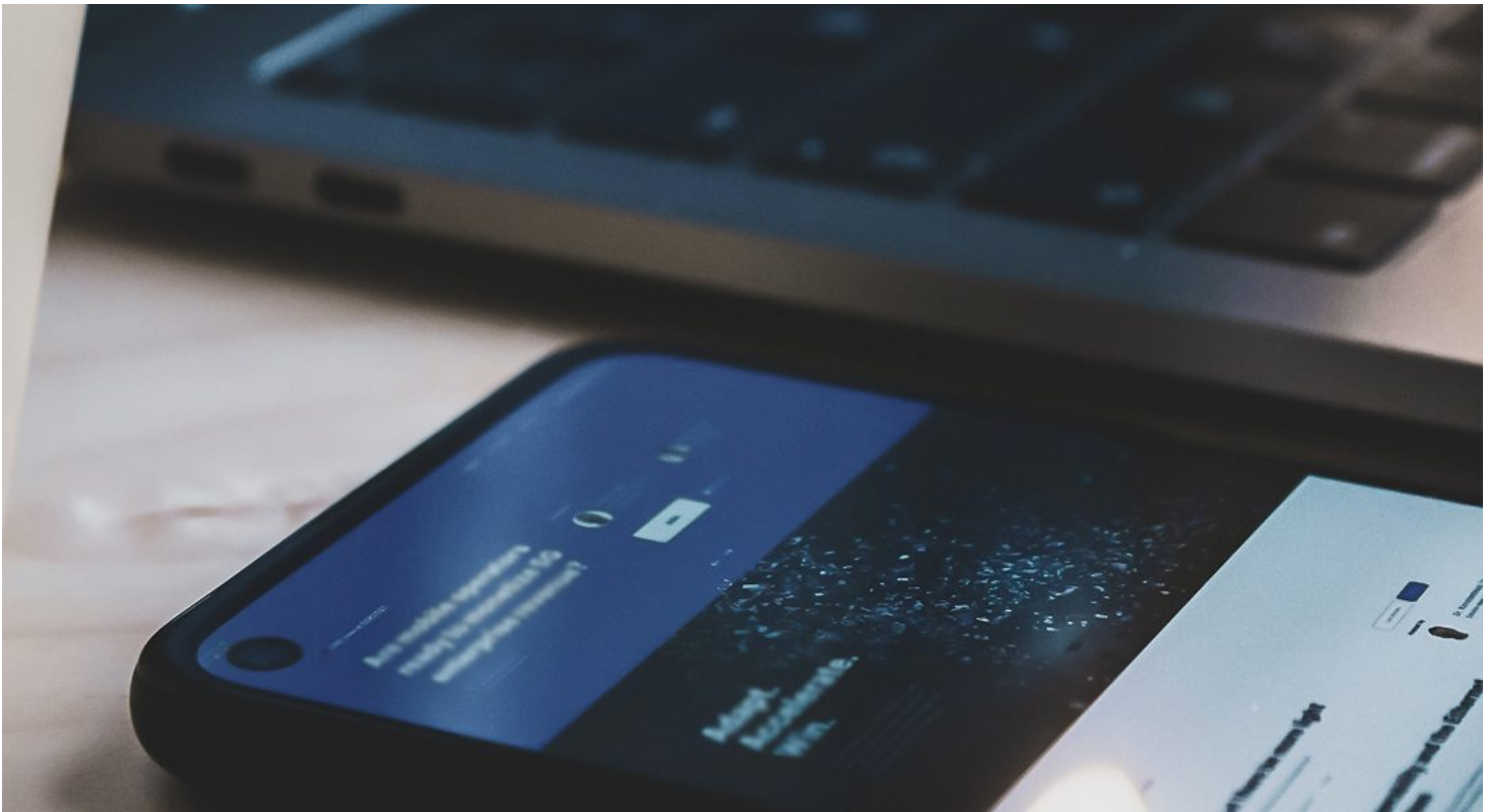


NEWS & INSIGHTS

Third Circuit: Workers' Comp Release does not Preclude FMLA Claims

INSIGHTSLEGAL UPDATE

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On September 11, 2017, the Third Circuit issued a precedential opinion in the case of *Zuber v. Boscov's*, No. 16-3217, ruling that a workers' compensation settlement and release regarding a workplace injury did not preclude the employee from bringing a Family Medical Leave Act (FMLA) claim against the employer.

Craig Zuber was an employee of Boscov's, Inc. in Reading, Pennsylvania. He suffered an injury at work, filed a workers' compensation claim, and received work leave. He returned to work but shortly thereafter requested more leave. Some weeks later, Zuber was fired. After he was terminated, Zuber and Boscov's signed a Compromise and Release Agreement (C&R) to settle his workers' compensation claim.

Zuber brought suit, claiming that Boscov's interfered with his FMLA rights, retaliated against him for exercising his FMLA rights, and retaliated against him for bringing a workers' compensation claim. The District Court, below, dismissed his claim due to the executed C&R, finding that it precluded his FMLA claim.

The Third Circuit took exception to the lower court's determination as to the scope of the agreement. Specifically, the Third Circuit found that the ordinary language of the C&R only barred a later suit regarding workplace injury. The Court held that the language in the C&R which purported to bar benefits including wage loss, specific, and medical benefits was limited to claims for benefits related to the work injury claim. The FMLA claim, the court reasoned, was not the result of a workplace injury.

The Third Circuit holding in *Zuber* is a reminder to Pennsylvania employers to draft settlement agreements and releases to include specific language regarding the desired scope of the release. For questions regarding settlement agreements or any other employment law matter, contact [Saxton & Stump's Employment Group](#).

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