

Is 'stress' an FMLA serious condition?

Q. One of our employees is complaining of “stress and anxiety.” Is that enough to put us on notice of a serious health condition under the FMLA?

A. Courts have refused to require clairvoyance on the part of employers in interpreting requests for medical leave. Because a serious health condition is a prerequisite for FMLA leave, the *employee* must provide information suggesting that her health condition could be serious.

The 8th Circuit has compared “stress and anxiety” to depression. The court noted that complaining of stress and anxiety is generally not enough to put an employer on notice of a serious health condition.

The Western District of Michigan held that an employee did not put her employer on notice of a serious health condition where, at most, she made an oral complaint that she was “under extreme anxiety, stress, near breakdown.” Likewise, the Northern District of Georgia determined that an employee’s statements about feeling sick and seeking counseling for stress were insufficient to reasonably inform her employer that she had a serious health condition as defined by the FMLA.

In contrast, the Northern District of Iowa determined that a jury should decide whether the employer had notice the employee requested leave when the employee stated she had “a lot of emotional problems that she needs to deal with. Stressed out. Doesn’t want to jeopardize herself or residents.” The court explained that the statement reflected more than a “simple case of work stress” and contained the words “medical leave.”

Courts have ruled that when a medical certification form is incomplete, the employer may request additional information regarding a stress-related condition.

For instance, in one 9th Circuit case, the employer asked the employee to provide additional information regarding her medical leave request form, which stated only that she was diagnosed with post-traumatic stress disorder and needed therapy, medical treatment, bed rest and medication.

The 9th Circuit determined that her leave request failed to provide a summary of the medical facts that supported the diagnosis, provided no explanation as to why she was unable to perform her duties and didn’t address whether additional treatments would be required for her condition. Accordingly, the appeals court held that when the woman refused to submit any further documentation, her medical certification remained deficient.