

Texas Supreme Court: FMLA leave doesn't bar unemployment

The Texas Supreme Court has decided someone on unpaid FMLA leave may be eligible for unemployment benefits.

Recent case: [Julia](#) went out on leave due to anxiety and depression. When her paid leave expired, she was placed on unpaid FMLA leave. She applied for unemployment benefits. Her doctors set conditions for her return based on medical restrictions, but said she could work.

The employer argued Julia wasn't eligible for unemployment because she was still an employee while on leave. The Texas Supreme Court held that ending the employment relationship wasn't required to qualify for benefits; someone on unpaid FMLA leave met the statutory definition of "unemployed." Now the Texas Workforce Commission will determine whether Julia was eligible because she could work, albeit with some restrictions. (*TWC v. Wichita County*, Supreme Court of Texas, 2018)

Final note: This case could open the door for "paid FMLA leave" via unemployment comp benefits.