

## Publication

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### Employee Fired When Facebook Photos Exposed FMLA Abuse

Labor & Employment partner William J. Tarnow and associate Casandra Rdzak authored "Employee Fired When Facebook Photos Exposed FMLA Abuse: Companies must conduct a thorough investigation into the facts before terminating an employee," which InsideCounsel published online on Dec. 24, 2012.

**Abstract:** In yet another development in social media and employment law, the 6th Circuit recently held in *Jaszczyszyn v. Advantage Health Physician Network* that an employer acted lawfully when it terminated an employee after Facebook photos showed her drinking at a festival at the same time she claimed to be incapacitated due to a medical condition. The takeaway from this case is the way the employer handled the incident. Indeed, even though it appeared that the employee was caught red-handed, the employer did not rush into judgment. Instead, it terminated the employee only after conducting a thorough investigation into the facts and giving the employee an opportunity to explain her conduct based on the employer's "honest belief" that she had engaged in Family and Medical Leave Act (FMLA) fraud.

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