

To whom it may concern,

It should be illegal for employers to file a Family Medical Leave Act (FMLA) claim for employees whom are out of work on a worker's compensation claim, due to a work related injury.

My name is David Kendall, I am a regular package car driver at United Parcel Service (UPS) and the legal guardian of my nephew, Jerimiah (J). I'm writing in an attempt to help elaborate the negative impacts of companies being allowed to make a FMLA claim for an employee without consent while they are out on workers compensation due to a work related injury.

J has a cognitive developmental delay, suffers from anxiety and suicidal ideation. We have been dealing with these issues for all of his life and my employer UPS knows this and even suggested that I get FMLA for him his condition and even spent the week of Christmas in the emergency department due to an episode J experienced in previous years. But despite all of this, when I sustained an injury on the job in January 2022, UPS filed an FMLA claim while I was out on workers compensation.

As soon as I was made aware an FMLA claim had been filed for my worker's compensation claim, I made contact with The Hartford, the company UPS designates to handle FMLA claims. I explained this is a worker's compensation claim due to a work related injury and I was informed it didn't matter. I asked how this will impact my FMLA claim for J due to his condition and was informed that everyone only has twelve weeks of FMLA a year. This was extremely concerning due to his condition and I didn't know at the time my work related injury would keep me out of work for six months.

After recovering from my work related injury, we were forced to have J do virtual meetings for appointments. The virtual meetings proved to be extremely difficult, due to J's disabilities and condition. His provider, as well I, noticed that the virtual meetings were not as effective as in-person meetings and they had to be increased in frequency in order to give J all the support possible due to the circumstances.

J's mental health took a big hit that year. I spent countless nights staying up with J explaining the virtual meetings are only temporary and that getting back to in person meetings will happen again. I reminded him that I want what is best for him, for him to be happy and to not have the bad thoughts. Reassuring him that we will make it through these tough times together, that we will be ok and that I do love him.

The action of my employer caused immense mental and emotional strain during this time was completely unnecessary but yet per current laws completely legal. Employers should not be legally allowed to file an FMLA claim on an employee whom is out on a worker's compensation claim. The fact that they can is simply unjust, in any case but even more so when an employee has an already know FMLA claim. The ramifications of such actions can literally be the difference of life and

death, thankfully in our case we were strong enough to make it through. But that doesn't mean every case will have the same results.

Thank you for your time and consideration for the change of legislation on this topic.

Best of wishes,
David Kendall