

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-1122

ROBERTA AHMED,

Plaintiff - Appellant,

v.

THE SALVATION ARMY,

Defendant - Appellee.

Appeal from the United States District Court for the District of Maryland, at Baltimore. Catherine C. Blake, District Judge. (1:12-cv-00707-CCB)

Submitted: December 5, 2013

Decided: December 31, 2013

Before MOTZ, KING, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Paul V. Bennett, James L. Ellison II, LAW OFFICE OF PAUL V. BENNETT, P.A., Annapolis, Maryland, for Appellant. Jeanne M. Phelan, DLA PIPER LLP (US), Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Roberta Ahmed appeals the district court's denial of her request for additional time to conduct discovery and its order granting summary judgment in favor of her employer, The Salvation Army. We affirm.

On October 20, 2010, Ahmed informed her supervisors at The Salvation Army that she needed surgery for a heart-related condition and would be missing work later that year. She requested information about taking leave under the Family and Medical Leave Act ("FMLA"), and The Salvation Army provided her with paperwork to complete, including a "Certification of Health Care Provider" form. Ahmed submitted two incomplete versions of the certification form. After each submission, The Salvation Army advised her that it could not approve her FMLA leave without a completed form. After her second incomplete submission, The Salvation Army specifically explained that the required information included whether she would be able to perform some or all of her job functions and her expected period of incapacity.

Beginning on November 29, Ahmed was absent from work. After she missed three days of work, The Salvation Army advised her that failure to submit a completed certification form would result in termination of her employment. Ahmed never submitted a completed form.

On December 29, after 23 days of unapproved absences, The Salvation Army terminated Ahmed's employment. In March 2011, Ahmed filed a charge of disability discrimination against The Salvation Army with the Maryland Commission on Human Relations. The Commission dismissed Ahmed's charge, concluding that her disability played no factor in her termination and that The Salvation Army's actions were legitimate and nondiscriminatory.

Ahmed then filed this action in the United States District Court for the District of Maryland, alleging violations of the FMLA and the Americans with Disabilities Act ("ADA"). The Salvation Army moved to dismiss Ahmed's claims or, in the alternative, for summary judgment. In turn, Ahmed moved for partial summary judgment on the issue of her FMLA claim; for additional time to conduct discovery on the issue of her ADA claim under Federal Rule of Civil Procedure 56(d); and for leave to file an amended complaint.

The district court awarded summary judgment for The Salvation Army on Ahmed's FMLA claim. The court held that because Ahmed never submitted a completed certification form, The Salvation Army's duty to provide FMLA leave was not triggered and Ahmed was not entitled to the FMLA's protections. The court further held that The Salvation Army complied with the FMLA and its corresponding regulations by informing Ahmed that her certification form was incomplete, stating in writing what

additional information was needed, and providing her with more than seven calendar days to cure the deficiency. See 29 C.F.R. § 825.305(c).

The district court also awarded summary judgment for The Salvation Army on Ahmed's ADA claim, holding that The Salvation Army articulated a legitimate, nondiscriminatory reason for discharging Ahmed and that Ahmed did not offer any evidence to show that the reasons for her termination were pretextual. The district court then denied Ahmed's Rule 56(d) request for additional discovery on the issue of her ADA claim, holding that it was simply an unsupported fishing expedition. Finally, the district court denied Ahmed's motion to amend her complaint as moot.

We review the district court's denial of Ahmed's motion to allow further discovery for an abuse of discretion. Nader v. Blair, 549 F.3d 953, 958-59 (4th Cir. 2008). We review the district court's grant of summary judgment de novo. Hardwick ex rel. Hardwick v. Heyward, 711 F.3d 426, 433 (4th Cir. 2013). In conducting our review, we view all evidence in the light most favorable to the nonmoving party. Id. We do not weigh the evidence, but rather we only determine whether there is a genuine issue of material fact for trial. Id.

Having reviewed the parties' submissions, the district court's opinion, and the applicable law, we affirm substantially

on the reasoning of the district court's order. See Ahmed v. The Salvation Army, 2012 WL 6761596 (D. Md. Dec. 28, 2012). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before us and oral argument would not aid the decisional process.

AFFIRMED