

United States Court of Appeals
For the Eighth Circuit

No. 18-1925

Michelle M. Stringfield

Plaintiff - Appellant

v.

Cosentino's Food Stores

Defendant - Appellee

Appeal from United States District Court
for the Western District of Missouri - Kansas City

Submitted: December 13, 2018
Filed: December 18, 2018
[Unpublished]

Before BENTON, SHEPHERD, and STRAS, Circuit Judges.

PER CURIAM.

Michelle M. Stringfield appeals the adverse judgment the district court¹ entered, following a bench trial, in her action under the Family and Medical Leave

¹The Honorable Beth Phillips, United States District Judge for the Western District of Missouri.

Act (FMLA). Stringfield, a former employee of Cosentino's Food Stores, alleged that Cosentino impermissibly interfered with her right to take leave under the FMLA. Having jurisdiction under 28 U.S.C. § 1291, this court affirms.

Upon careful review of the district court record and the parties' arguments on appeal, this court finds no basis to reverse the district court's judgment. *See Smith v. AS Am., Inc.*, 829 F.3d 616, 621-22 (8th Cir. 2016) (following bench trial, legal conclusions are reviewed *de novo*, and findings of fact are reviewed for clear error). There was no error in the district court's determination that the notice Stringfield gave Cosentino regarding the need to take FMLA leave was untimely, and she was thus not entitled to FMLA leave. *See Hasenwinkel v. Mosaic*, 809 F.3d 427, 432 (8th Cir. 2015) (to prevail on FMLA entitlement claim, individual must show (1) she was entitled to FMLA leave; (2) her employer was on notice of her need for FMLA leave; and (3) the employer denied her FMLA benefits).

The judgment is affirmed. *See* 8th Cir. R. 47B.
