

United States Court of Appeals  
For the Eighth Circuit

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No. 18-1925

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Michelle M. Stringfield

*Plaintiff - Appellant*

v.

Cosentino's Food Stores

*Defendant - Appellee*

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

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Submitted: December 13, 2018

Filed: December 18, 2018

[Unpublished]

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Before BENTON, SHEPHERD, and STRAS, Circuit Judges.

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PER CURIAM.

Michelle M. Stringfield appeals the adverse judgment the district court<sup>1</sup> entered, following a bench trial, in her action under the Family and Medical Leave

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<sup>1</sup>The 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.

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