

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
PENNSYLVANIA

Russell Delp v. Hexcel Corporation

Delp · No. 3:25-cv-00233 · Decided March 10, 2026

SUMMARY

The United States District Court for the Middle District of Pennsylvania denied Hexcel Corporation’s Rule 12(b)(6) motion to dismiss Russell Delp’s Second Amended Complaint. The court held that Delp plausibly alleged FMLA interference based on alleged failures to restore him to his position, improper handling of certification and recertification, and termination following approved intermittent FMLA leave. The court also allowed the forced- or involuntary-leave theory to proceed at this stage because the allegations were tied to specific alleged violations of the FMLA and its implementing regulations.

CASE DETAILS

COURT	United States District Court for the Middle District of Pennsylvania
WRITING FOR THE COURT	Robert D. Mariani
JURISDICTION	United States District Court for the Middle District of Pennsylvania
DECIDED	March 10, 2026
DOCKET	3:25-cv-00233
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss the plaintiff’s Second Amended Complaint asserting a single claim for FMLA interference.
STANDARD OF REVIEW	Under Rule 12(b)(6), the court accepts well-pleaded factual allegations and reasonable inferences as true, disregards legal conclusions and conclusory assertions, and determines whether the complaint contains sufficient factual matter to state a facially plausible claim for relief.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Russell Delp v. Hexcel Corporation

TOPICS

- family and medical leave act
- employment law
- motions to dismiss
- civil procedure

PRACTICE AREAS

employment law

federal employment law

family and medical leave act

civil procedure

QUESTIONS PRESENTED

1. Whether the Second Amended Complaint plausibly alleged FMLA interference notwithstanding that it included a forced or involuntary-leave theory that the court had previously rejected.
2. Whether the alleged failure to restore Delp to his former or an equivalent position after approved intermittent FMLA leave stated a claim for FMLA interference.
3. Whether the alleged imposition of improper or more onerous medical recertification requirements plausibly constituted interference with rights protected by the FMLA and its implementing regulations.

HOLDINGS

1. The Second Amended Complaint plausibly alleged an FMLA interference claim because it did not rely solely on a standalone forced-leave theory; it also alleged specific violations of the FMLA and its implementing regulations, including denial of restoration, improper recertification requirements, and denial of approved intermittent leave.
2. Delp plausibly alleged that Hexcel interfered with his FMLA rights by failing to restore him to his former or an equivalent position with equivalent pay and working conditions after his approved intermittent leave on April 7, 2023.
3. Delp plausibly alleged that Hexcel interfered with his FMLA rights by imposing more onerous medical recertification requirements than permitted by the FMLA and its implementing regulations.

KEY QUOTATIONS

“The Court need not definitely rule on this issue at the motion to dismiss stage because the SAC, unlike the FAC, now plausibly alleges that by placing Delp on forced continuous FMLA leave Hexcel interfered with the exercise, or attempt to exercise, Delp’s rights under the FMLA” (22)

“Delp plausibly alleges he was medically certified and approved for intermittent leave on Friday April 7, 2023, when he had a panic attack at work.” (35)

FACTUAL BACKGROUND

Russell Delp worked for Hexcel for more than twelve years and was approved for intermittent FMLA leave for anxiety and related mental-health conditions. After Delp experienced a panic attack at work on April 7, 2023, supervisors allegedly required him to meet with an employee-assistance counselor, threatened termination if he refused, and directed him to take approximately six months of continuous leave and obtain mental-health treatment. Delp alleged that Hexcel later treated the forced leave as FMLA leave, required additional certification, refused to restore him to work after his approved intermittent leave, and terminated him after asserting that he had exhausted his FMLA entitlement.

PROCEDURAL HISTORY

Delp initially filed an FMLA interference action on February 6, 2025. After Hexcel moved to dismiss, Delp filed a First Amended Complaint asserting FMLA, Pennsylvania equitable-estoppel, and ERISA claims. On September 10, 2025, the court dismissed the equitable-estoppel and ERISA claims without prejudice and dismissed the FMLA interference theory based solely on forced or involuntary leave, while allowing notice-related FMLA theories to proceed. Delp then filed a Second Amended Complaint, and Hexcel again moved to dismiss. The court denied the renewed motion, concluding that the Second Amended Complaint plausibly alleged FMLA interference based on regulatory violations, denial of restoration, improper recertification requirements, and the alleged use of forced continuous leave to interfere with approved intermittent leave.

DISPOSITION

other

CASES CITED

- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Ethypharm S.A. France v. Abbott Labs., 707 F.3d 223, 231 n.14 (3d Cir. 2013)
- Schucharat v. President of the U.S., 839 F.3d 336, 347 (3d Cir. 2016)
- Connelly v. Lane Constr. Corp., 809 F.3d 780, 786-87 (3d Cir. 2016)
- Hansler v. Lehigh Valley Hospital Network, 798 F.3d 149, 151, 153-54 (3d Cir. 2015)
- Howard v. Pennsylvania Department of Public Education, 2013 WL 102662, at *8 (E.D. Pa. Jan. 9, 2013)
- Rinehimer v. Cemcolift, Inc., 292 F.3d 375, 384 (3d Cir. 2002)
- Foster v. New Jersey Department of Transportation, 255 F. App'x 670, 671 n.1 (3d Cir. 2007)
- Sista v. CDC Ixis North America, Inc., 445 F.3d 161, 175 (2d Cir. 2006)
- Escriba v. Foster Poultry Farms, Inc., 743 F.3d 1236, 1244 (9th Cir. 2014)
- Walker v. Trinity Marine Products, Inc., 721 F.3d 542, 544-55 (8th Cir. 2013)
- Grace v. Adtran, Inc., 470 F. App'x 812, 816 (11th Cir. 2012)
- Ridings v. Riverside Medical Center, 537 F.3d 755, 769 n.3 (7th Cir. 2008)
- Dotson v. BRP U.S., Inc., 520 F.3d 703, 708 (7th Cir. 2008)
- Wysong v. Dow Chemical Co., 503 F.3d 441, 449 (6th Cir. 2007)
- Budhun v. Reading Hospital & Medical Center, 765 F.3d 245, 252-53, 256 (3d Cir. 2014)
- Calio v. Camden County Board of Chosen Freeholders, 2023 WL 3674664, at *1 n.4 (3d Cir. May 26, 2023)
- Scalia v. Department of Transportation & Public Facilities, 985 F.3d 742, 744 (9th Cir. 2021)
- Jackson v. United States Postal Service, 149 F.4th 656, 672 (6th Cir. 2025)
- Calio v. Camden County Board of Chosen Freeholders, 2021 WL 3464879, at *3 (D.N.J. Aug. 6, 2021), aff'd, 2023 WL 3674664 (3d Cir. May 26, 2023)
- Barrasso v. Children's Hospital of Pittsburgh of UPMC, 2019 WL 342461, at *11 (W.D. Pa. Jan. 28, 2019)
- Price v. International Paper Co., 2022 WL 17253824, at *2-3 (5th Cir. Nov. 3, 2022)

- Crowelle v. Cumberland-Dauphin Harrisburg Transit Authority, 2024 WL 4468492, at *7 (M.D. Pa. Oct. 10, 2024)
- Delp v. Hexcel Corp., 2025 WL 2618766, at *10 (M.D. Pa. Sept. 10, 2025)

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