

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
FLORIDA, FORT MYERS DIVISION

Albert Burrows v. Bill Prummell, as the duly elected Sheriff of
Charlotte County, Florida

Burrows · No. 2:25-cv-11-JES-NPM · Decided January 26, 2026

SUMMARY

In this Opinion and Order, the United States District Court for the Middle District of Florida denies Sheriff Bill Prummell’s motion for summary judgment in Albert Burrows’s action under the Family and Medical Leave Act. The court concludes that disputed facts could permit a jury to find that Burrows’s wife had a serious health condition and that Burrows provided sufficient notice that his leave might be FMLA-qualifying. The court also addresses the applicable summary-judgment and FMLA notice standards.

CASE DETAILS

COURT	United States District Court for the Middle District of Florida, Fort Myers Division
WRITING FOR THE COURT	John E. Steele
JURISDICTION	United States District Court for the Middle District of Florida, Fort Myers Division
DECIDED	January 26, 2026
DOCKET	2:25-cv-11-JES-NPM
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved for summary judgment on plaintiff's claims for FMLA interference and retaliation. The district court denied the motion.
STANDARD OF REVIEW	Summary judgment is appropriate when there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The court views the evidence and draws reasonable inferences in favor of the nonmoving party, and must deny summary judgment when reasonable minds could differ on material inferences.
PRECEDENTIAL VALUE	District court opinion; precedential status is not stated in the source.

PARTIES

Albert Burrows v. Bill Prummell, as the duly elected Sheriff of Charlotte County, Florida

TOPICS

family and medical leave act

retaliation

wrongful termination

summary judgment

civil procedure

PRACTICE AREAS

Employment law

Family and Medical Leave Act

Federal civil procedure

QUESTIONS PRESENTED

1. Whether genuine disputes of material fact existed as to whether Burrows's wife had a serious health condition and whether his departure from work was to care for her for an FMLA-qualifying reason.
2. Whether genuine disputes of material fact existed as to whether Burrows provided sufficient notice that his absence might be FMLA-qualifying.
3. Whether genuine disputes of material fact existed as to whether Burrows would have been terminated for a legitimate reason wholly unrelated to FMLA leave.
4. Whether the Sheriff was entitled to summary judgment on Burrows's FMLA interference and retaliation claims.

HOLDINGS

1. Summary judgment was improper because the evidence, viewed in Burrows's favor, could permit a jury to find that his wife had a serious health condition and that his departure was taken to care for her, even though she did not actually suffer a heart attack.
2. Summary judgment was improper because a jury could find that Burrows's communications before and during Hurricane Milton adequately conveyed that his absence was potentially related to his wife's serious medical conditions.
3. Summary judgment was improper because material factual disputes existed as to whether the Sheriff would have terminated Burrows for abandoning his post and failing to meet the requirements of an essential employee regardless of any FMLA-protected leave.

KEY QUOTATIONS

“There are sufficient facts to go to a jury as to whether Burrows qualified for FMLA leave, and whether Burrows provided adequate notice that it was for a qualifying serious medical condition.”

“Having determined that there is a genuine issue of material fact as to the interference and retaliation claims, the Court finds there are also material factual disputes as to whether Burrows would have been terminated anyway.”

FACTUAL BACKGROUND

Albert Burrows was an essential civilian employee and Support Services Supervisor for the Charlotte County Sheriff's Office. His wife had longstanding chronic medical conditions, including chronic pain, depression, anxiety, prior surgeries, and limitations requiring assistance; the Sheriff's Office had repeatedly approved Burrows's intermittent FMLA leave to care for her through 2021. Before Hurricane Milton in October 2024, Burrows requested permission to remain home with his wife, described her medical conditions to Sheriff Prummell, and was told that his essential position required him to work or seek a nonessential position. During the storm, after his wife reported severe symptoms and feared she was having a heart attack, Burrows left work without contacting Risk Management, and the Sheriff terminated his employment for abandoning his post during an emergency event.

PROCEDURAL HISTORY

Burrows filed a two-count FMLA complaint against Sheriff Prummell in his official capacity, alleging interference with FMLA rights and retaliation for requesting FMLA leave. After discovery, the Sheriff moved for summary judgment, arguing that Burrows was not entitled to FMLA leave, failed to provide adequate notice, and would have been terminated for legitimate reasons unrelated to FMLA activity. The court concluded that genuine disputes of material fact precluded judgment as a matter of law and denied the motion.

DISPOSITION

other

CASES CITED

- *McCreight v. AuburnBank*, 117 F.4th 1322, 1329 (11th Cir. 2024)
- *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248, 251 (1986)
- *Hickson Corp. v. N. Crossarm Co., Inc.*, 357 F.3d 1256, 1260 (11th Cir. 2004)
- *Scott v. Harris*, 550 U.S. 372, 378 (2007)
- *Tana v. Dantanna's*, 611 F.3d 767, 772 (11th Cir. 2010)
- *St. Charles Foods, Inc. v. America's Favorite Chicken Co.*, 198 F.3d 815, 819 (11th Cir. 1999)
- *Allen v. Bd. of Pub. Educ. of Bibb County*, 495 F.3d 1306, 1315 (11th Cir. 2007)
- *Jones v. UPS Ground Freight*, 683 F.3d 1283, 1293-94 (11th Cir. 2012)
- *Nevada Dep't of Hum. Res. v. Hibbs*, 538 U.S. 721, 724 (2003)
- *Williams v. Bd. of Trustees of Univ. of Alabama*, 128 F.4th 1208, 1212 (11th Cir. 2025)
- *Wascura v. Carver*, 169 F.3d 683, 687 (11th Cir. 1999)
- *Pereda v. Brookdale Senior Living Communities, Inc.*, 666 F.3d 1269, 1272 (11th Cir. 2012)
- *Matamoros v. Broward Sheriff's Off.*, 2 F.4th 1329, 1337 (11th Cir. 2021)
- *Hurley v. Kent of Naples, Inc.*, 746 F.3d 1161, 1166-67 (11th Cir. 2014)
- *White v. Beltram Edge Tool Supply, Inc.*, 789 F.3d 1188, 1191, 1194-96 (11th Cir. 2015)
- *Ramji v. Hosp. Housekeeping Sys., LLC*, 992 F.3d 1233, 1242-43 (11th Cir. 2021)
- *Strickland v. Water Works & Sewer Bd. of City of Birmingham*, 239 F.3d 1199, 1206 (11th Cir. 2001)

- *Munoz v. Selig Enterprises, Inc.*, 981 F.3d 1265, 1276 (11th Cir. 2020)
- *Graves v. Brandstar, Inc.*, 67 F.4th 1117, 1122 (11th Cir. 2023)
- *Cruz v. Publix Super Markets, Inc.*, 428 F.3d 1379, 1383 (11th Cir. 2005)
- *Gay v. Gilman Paper Co.*, 125 F.3d 1432, 1436 (11th Cir. 1997)
- *Spakes v. Broward Cnty. Sheriff's Office*, 631 F.3d 1307, 1310 (11th Cir. 2011)
- *Lapham v. Walgreen Co.*, 88 F.4th 879, 896 (11th Cir. 2023)

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