

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
KENTUCKY, NORTHERN DIVISION AT COVINGTON

Nahed Bays v. Kenton County Airport Board

Civil Action No. 24-46-CJS (E.D. Ky. Mar. 27, 2026) · No. Civil Action No. 24-46-CJS · Decided March 27,
2026

SUMMARY

The United States District Court for the Eastern District of Kentucky grants the Kenton County Airport Board’s motion for summary judgment in Nahed Bays’s action alleging FMLA interference, FMLA retaliation, and national-origin discrimination under the Kentucky Civil Rights Act. The court concludes that Bays established prima facie FMLA claims but failed to show that the Board’s stated reasons for termination—attendance problems and substandard performance—were pretextual. The court also addresses deficiencies in Bays’s proposed comparators for her national-origin discrimination claim.

CASE DETAILS

COURT	United States District Court for the Eastern District of Kentucky, Northern Division at Covington
WRITING FOR THE COURT	Candace J. Smith
JURISDICTION	United States District Court for the Eastern District of Kentucky, Northern Division at Covington
DECIDED	March 27, 2026
DOCKET	Civil Action No. 24-46-CJS
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved for summary judgment on Plaintiff's claims for Family and Medical Leave Act interference and retaliation and national-origin discrimination under the Kentucky Civil Rights Act. The court granted the motion in full.
STANDARD OF REVIEW	Summary judgment is appropriate under Federal Rule of Civil Procedure 56 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 viewed the evidence in the light most favorable to the nonmovant, accepted the nonmovant's evidence as true for purposes of the motion, and drew reasonable inferences in her favor. The FMLA and KCRA

	claims based on indirect evidence were analyzed under the McDonnell Douglas burden-shifting framework.
PRECEDENTIAL VALUE	unpublished
PARTIES	Nahed Bays v. Kenton County Airport Board

TOPICS

family and medical leave act

employment discrimination

summary judgment

civil procedure

PRACTICE AREAS

employment law

civil rights

civil procedure

QUESTIONS PRESENTED

1. Whether Bays established a prima facie case of FMLA interference when she requested leave that would begin after she had been employed by the Board for twelve months.
2. Whether Bays established a prima facie case of FMLA retaliation based on her request for leave and termination seven days later.
3. Whether the Board articulated legitimate, non-FMLA-related reasons for terminating Bays and whether Bays produced evidence that those reasons were pretextual.
4. Whether Bays established a prima facie case of national-origin discrimination under the Kentucky Civil Rights Act.
5. Whether Bays produced evidence that the Board's stated reasons for termination were pretextual or that the cat's-paw theory supported liability.

HOLDINGS

1. An employee's FMLA eligibility is determined by the date leave commences, and leave requested to begin after the employee completes twelve months of employment may satisfy the eligibility requirement even if the employee is terminated before the requested leave begins. Bays established a prima facie case of FMLA interference.
2. A request for FMLA leave constitutes protected activity, and a seven-day interval between the request and termination is sufficient to establish the causal-nexus element at the prima facie stage. Bays established a prima facie case of FMLA retaliation.
3. The Board articulated legitimate, non-FMLA-related reasons for terminating Bays, and Bays failed to show that those reasons were pretextual. Summary judgment was therefore proper on both FMLA claims.
4. Bays failed to establish that the Board's legitimate reasons for terminating her were pretextual or that national origin was the real reason for the termination. The Board was entitled to summary judgment on the KCRA claim.

5. A supervisor's knowledge of an employee's national origin, without evidence that the supervisor or another decisionmaker was motivated by discriminatory bias, is insufficient to establish cat's-paw liability.

KEY QUOTATIONS

“The court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” (Section II)

“The determination of whether an employee meets the FMLA’s eligibility requirements is made in reference to the date the employee commences his or her leave, not the day the employer takes an adverse action against the employee.” (Section III.A.1.a)

“Thus, the scope of protected activity under the FMLA starts with the first step contemplated under the Act’s procedures: a request made to the employer.” (Section III.A.1.b)

“But Snyder’s knowledge of Bays’s national origin is insufficient to establish that discrimination on that ground was the real reason actions were taken against her by the Board.” (Section III.B)

FACTUAL BACKGROUND

Bays, a Lebanese national and U.S. citizen, began working for the Kenton County Airport Board as a Safety Training Specialist in May 2022 while receiving ongoing treatment for breast cancer. She initially received permission to flex her schedule for medical appointments, but the Board later required her to work eight hours per day, Monday through Friday. During her employment, Bays received warnings and corrective coaching concerning absenteeism, tardiness, and performance, and on May 11, 2023, she requested paperwork for leave related to cancer surgery scheduled for June 1 through June 5. After she failed to appear without notice for a required training session on May 17, the Board terminated her employment on May 18, citing absenteeism and substandard performance.

PROCEDURAL HISTORY

Bays filed the action on April 1, 2024. The parties consented to the magistrate judge's jurisdiction under 28 U.S.C. § 636(c), discovery closed on May 14, 2025, and the Board moved for summary judgment on June 13, 2025. After briefing, the court granted the motion and ordered that a separate judgment be entered.

DISPOSITION

other

CASES CITED

- *Edgar v. JAC Products, Inc.*, 443 F.3d 501, 506-07 (6th Cir. 2006)
- *Demyanovich v. Cadon Plating & Coatings, L.L.C.*, 747 F.3d 419, 427, 433 (6th Cir. 2014)
- *Ricco v. Potter*, 377 F.3d 599, 604 n.4 (6th Cir. 2004)
- *Davis v. Mich. Bell Tel. Co.*, 543 F.3d 345, 350-51 (6th Cir. 2008)

- Cross v. Dental Assisting Acad. of Louisville, LLC, 417 F. Supp. 3d 836, 837 (W.D. Ky. 2019)
- Milman v. Fieger & Fieger, P.C., 58 F.4th 860, 571, 873 (6th Cir. 2023)
- Seeger v. Cincinnati Bell Tel. Co., LLC, 681 F.3d 274, 283 (6th Cir. 2012)
- Mullendore v. City of Belding, 872 F.3d 322, 328-29 (6th Cir. 2017)
- Marshall v. The Rawlings Co. LLC, 854 F.3d 368, 379 (6th Cir. 2017)
- Donald v. Sybra, Inc., 667 F.3d 757, 762-63 (6th Cir. 2012)
- Skrjanc v. Great Lakes Power Serv. Co., 272 F.3d 309, 317 (6th Cir. 2001)
- Marrero-Perez v. Yanfeng US Auto. Interior Sys. II LLC, No. 3:21-cv-645-RGJ, 2024 WL 5239457, at *4-*5 (W.D. Ky. Dec. 27, 2024)
- Charalambakis v. Asbury Univ., 488 S.W.3d 568, 575, 577 (Ky. 2016)
- Romans v. Mich. Dep't of Hum. Servs., 668 F.3d 826, 839 (6th Cir. 2012)
- Gumm v. AK Steel Corp., No. 24-1767, 2025 WL 848204, at *3-*4 (6th Cir. Mar. 18, 2025), cert. denied, 146 S. Ct. 199 (2025)
- Arendale v. City of Memphis, 519 F.3d 587, 593-94, 604 n.13, 605 (6th Cir. 2008)
- Matsushita Elec. Indus. Co. v. Zenith Radio Corp., 475 U.S. 574, 587 (1986)
- Loyd v. Saint Joseph Mercy Oakland, 766 F.3d 580, 588 (6th Cir. 2014)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248 (1986)
- Lewis v. Philip Morris Inc., 355 F.3d 515, 533 (6th Cir. 2004)
- McPherson v. Kelsey, 125 F.3d 989, 995-96 (6th Cir. 1997)
- Tillotson v. Manitowoc Co., Inc., No. 15-cv-14479, 2017 WL 467404, at *7 (E.D. Mich. Feb. 3, 2017)