

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
PENNSYLVANIA

Darnell Alston v. Pittsburgh Regional Transit, formerly known as
Port Authority of Allegheny County

Alston · No. 2:24-cv-00948 · Decided March 27, 2026

SUMMARY

The United States District Court for the Western District of Pennsylvania overruled Darnell Alston’s objections to a magistrate judge’s Report and Recommendation and adopted the recommendation to dismiss the amended complaint. The court held that Alston failed to plausibly allege that she had been hired for or was entitled to reinstatement to the Bus Driver Recruiter position, that she engaged in protected FMLA-related opposition, or that her termination was causally related to FMLA leave or related complaints. The court granted the defendant’s motion to dismiss and dismissed Counts I and II with prejudice under Federal Rule of Civil Procedure 12(b)(6).

CASE DETAILS

COURT	United States District Court for the Western District of Pennsylvania
WRITING FOR THE COURT	W. Scott Hardy
JURISDICTION	United States District Court for the Western District of Pennsylvania
DECIDED	March 27, 2026
DOCKET	2:24-cv-00948
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff objected to a magistrate judge's report and recommendation recommending dismissal of her amended complaint. The district court conducted de novo review under Federal Rule of Civil Procedure 72(b) and 28 U.S.C. § 636(b)(1), overruled the objections, adopted the report and recommendation as clarified, and granted Defendant's Rule 12(b)(6) motion.
STANDARD OF REVIEW	De novo review of properly objected-to portions of a magistrate judge's report and recommendation under Federal Rule of Civil Procedure 72(b)(3) and 28 U.S.C. § 636(b)(1); Rule 12(b)(6) plausibility review, accepting well-pleaded allegations as true and viewing them in the light most favorable to the plaintiff.

TOPICS

family and medical leave act

motions to dismiss

retaliation

pleadings

civil procedure

PRACTICE AREAS

employment law

civil procedure

QUESTIONS PRESENTED

1. Whether the amended complaint plausibly alleged an FMLA interference claim based on failure to restore Plaintiff to the Bus Driver Recruiter position.
2. Whether the amended complaint plausibly alleged that Plaintiff's termination was causally related to her use of FMLA leave or complaints concerning the position.
3. Whether the court could consider Plaintiff's undisputed EEOC charge and related documents on a Rule 12(b)(6) motion without converting the motion to one for summary judgment.
4. Whether Plaintiff should be granted leave to amend her complaint.

HOLDINGS

1. The amended complaint failed to state an FMLA interference claim because Plaintiff did not allege that she had been hired into the Bus Driver Recruiter position before taking FMLA leave and therefore did not plausibly allege that Defendant failed to restore her to that position or an equivalent position.
2. The amended complaint failed to plausibly allege FMLA retaliation because it did not allege a pattern of retaliatory conduct tied to FMLA leave or a specific FMLA-related complaint, and it did not sufficiently allege a causal connection between Plaintiff's FMLA leave or complaints and her termination.
3. The court could consider Plaintiff's undisputed EEOC charge and related EEOC documents on the Rule 12(b)(6) motion without converting the motion into one for summary judgment because Plaintiff relied on the charge in the complaint and objections, and the documents were referenced in the complaint, central to her claims, or matters of public record.
4. Leave to amend was properly denied because further amendment would be futile.

KEY QUOTATIONS

“Upon careful de novo review of the R&R, Plaintiff’s objections, Defendant’s reply, and the entire record, including Defendant’s Motion to Dismiss and the parties’ supporting and opposing briefs (Docket Nos. 25, 26, 29, 30), the Court concludes that Plaintiff’s objections do not undermine the R&R’s recommended disposition, and the Court will adopt the R&R as clarified herein as the Opinion of the Court.”

“Plaintiff does not allege that she was hired for the Bus Driver Recruiter position to which she argues she was not returned after her leave ended, nor does she allege facts from which the Court could reasonably infer that she was hired for that position and was not returned to it after her FMLA leave ended.”

FACTUAL BACKGROUND

Plaintiff alleged that she took FMLA leave and was not returned to the Bus Driver Recruiter position when she returned. The amended complaint alleged that she had applied and interviewed for that position, performed some related duties, was told she did not meet its qualifications, and that the position was given to someone else, but it did not allege that she had actually been hired into the position. Plaintiff also alleged that she complained about not receiving or being returned to the position and was later terminated, asserting FMLA interference and retaliation. Her sworn EEOC charge stated that she was employed as an ER/OEO Coordinator and had applied for, but was not selected for, the Recruiter position.

PROCEDURAL HISTORY

Magistrate Judge Maureen P. Kelly recommended granting Defendant's motion to dismiss the amended complaint. Plaintiff filed objections, Defendant replied, and the district court independently reviewed the report and recommendation, objections, reply, motion papers, and record. The court adopted the recommendation and dismissed Counts I and II with prejudice for failure to state a claim.

DISPOSITION

dismissed

CASES CITED

- Barron v. Quest Diagnostics, Inc., Civ. Action No. 09-1247, 2010 WL 701956, at *5 (E.D. Pa. Mar. 2, 2010)
- Sommer v. Vanguard Group, 461 F.3d 397, 399 (3d Cir. 2006)
- Douglas v. Kensington Cmty. Corp. for Individual Dignity, 775 F. Supp. 3d 881 (E.D. Pa. 2025)
- Rogan v. Giant Eagle, Inc., 113 F. Supp. 2d 777, 782 (W.D. Pa. 2000), aff'd, 276 F.3d 579 (3d Cir. 2001)
- Hundley v. Wawa, Inc., Civ. Action No. 21-627, 2021 WL 2555440, at *10 (E.D. Pa. June 22, 2021)
- Pekar v. U.S. Steel/Edgar Thomson Works, Civ. Action No. 09-844, 2010 WL 419421, at *4-5 (W.D. Pa. Jan. 29, 2010)
- Pryor v. National Collegiate Athletic Ass'n, 288 F.3d 548, 560 (3d Cir. 2002)
- Specialty Graphite Servs., Inc. v. Chiodo, No. 2:11-cv-1438, 2012 WL 162936, at *6 (W.D. Pa. Jan. 19, 2012)
- Shelton v. Chaudhry, 763 F. Supp. 3d 675, 681 (E.D. Pa. 2025)