

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 13-11214
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

April 2, 2014

Lyle W. Cayce
Clerk

ANGEL HENDERSON,

Plaintiff–Appellant,

versus

GRAND PRAIRIE INDEPENDENT SCHOOL DISTRICT,

Defendant–Appellee.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:12-CV-498

Before JOLLY, SMITH, and CLEMENT, Circuit Judges.

PER CURIAM:*

Angel Henderson sued her school-district employer claiming violation of the Family Medical Leave Act (“FMLA”), retaliation under the FMLA, and

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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intentional infliction of emotional distress. The district court granted summary judgment for the district, explaining its reasons in a thorough and convincing twenty-four-page opinion.

While Henderson was out on medical leave, she was notified that she was to be terminated. She received the full benefit of her medical leave and was paid for several more months, through the end of the school year, which was the term of her probationary employment contract. The district provided reasons for the termination, including that Henderson was conducting a private for-profit business on school time. Before Henderson had gone out on medical leave, school personnel were already concerned about her performance, including, *inter alia*, conflicts with personnel, arriving late and leaving early, spending time out of the classroom, and inadequate documentation and work logs.

In its opinion, the district court carefully explained that the district “had concerns about plaintiff’s work performance before she requested FMLA leave, and that activities of [school] personnel related to plaintiff’s performance while she was on FMLA leave were but part of an ongoing inquiry that was prompted by [the district’s] concerns relative to plaintiff’s work performance.” The court noted the absence of evidence showing a connection between the termination and Henderson’s exercise of her FMLA rights.

The summary judgment is AFFIRMED, essentially for the reasons carefully stated by the district court.