

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

PATRICK HOWARD,	:	CIVIL ACTION
	:	
Plaintiff,	:	
	:	NO. 04-4612
v.	:	
	:	
BELMONT CENTER FOR	:	
COMPREHENSIVE TREATMENT	:	
and	:	
ALBERT EINSTEIN HEALTHCARE	:	
NETWORK,	:	
	:	
Defendants.	:	

MEMORANDUM

BUCKWALTER, S.J.

August 10, 2005

Defendants move for summary judgment, to which now *pro se* plaintiff has filed no response. The motion was filed in this court on July 18, 2005. It was served by first class mail upon plaintiff at his address of record.

Plaintiff contends that he was denied medical leave for substance abuse and discharged from employment when he failed to report for work. He states that the notice of his medical leave to defendant was reasonable under the circumstances.

The undisputed facts are set forth in defendants' brief and adopted by reference thereto (pp. 2 - 5). Based upon them, it is clear that plaintiff has no FMLA claim. The undisputed facts show that he was not undergoing treatment on April 5 and 6 of 2004 when he did not report for work and when, on April 6, 2004, after attempts to contact him were fruitless, he was discharged.

It follows that he could not give notice of his undergoing substance abuse treatment when the record shows that he never was in in-patient care at the Recovery King Addiction Network, Inc. during the relevant time period.

An order follows.

