

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 08-13010

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT FEBRUARY 17, 2009 THOMAS K. KAHN CLERK
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D. C. Docket No. 06-00687-CV-HTW-1

GERALD C. BUSHROE,

Plaintiff-Appellant,

versus

FORD MOTOR COMPANY, INC.,

Defendant-Appellee.

Appeal from the United States District Court
for the Northern District of Georgia

(February 17, 2009)

Before BIRCH, HULL and FAY, Circuit Judges.

PER CURIAM:

After review and oral argument, the Court concludes that there are genuine issues of material fact as to whether the Plaintiff-Appellant Gerald C. Bushroe

gave sufficient notice to Defendant-Appellee Ford Motor Company, Inc. to make it aware that his absence from work was due to a potentially qualifying reason under the Family and Medical Leave Act (“FMLA”). See Cruz v. Publix Super Mkts., Inc., 428 F.3d 1379, 1382 (11th Cir. 2005) (“[W]here an employee’s need for FMLA leave is unforeseeable, the employee need only provide her employer with notice sufficient to make the employer aware that her absence is due to a potentially FMLA-qualifying reason.” (quoting Gay v. Gilman Paper Co., 125 F.3d 1432, 1436 (11th Cir. 1997))); 29 C.F.R. § 825.302(c) (“An employee shall provide at least verbal notice sufficient to make the employer aware that the employee needs FMLA-qualifying leave, and the anticipated timing and duration of the leave.”). Accordingly, we reverse the district court’s order granting summary judgment in favor of Defendant-Appellee Ford Motor Company, Inc. and remand for further proceedings consistent with this opinion.

REVERSED AND REMANDED.