

## Long Island Nurse Says He Was Fired For Taking Time Off To Care For Cancer-Stricken Daughter

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A Long Island man has filed a lawsuit against his former Farmingdale employer claiming he was fired for asking for too much time off in order to care for his daughter while she battled cancer.

West Babylon resident Daniel McCarthy, a registered nurse, filed the lawsuit on Monday against the Daleview Care Center where he worked from 2011 to 2017.

According to the lawsuit, in October 2016 his then 4-year-old daughter was diagnosed with Stage 4 kidney cancer.

He immediately took time after after learning of his daughter's cancer, asking to use part of the vacation time he had earned, but claims Daleview "pressured" him to use paid sick time instead, according to the lawsuit.

The center eventually allowed him to use his vacation days.

Then in December, McCarthy tried to use four sick days after he caught the flu.

However, according to the lawsuit, Kimberly Deschamps, the director of the facility, began sending McCarthy text messages questioning why he had taken time off, despite knowing about his daughter's condition, and insinuating that he was taking an "impromptu vacation."

She also began to pressure McCarthy into take a medical leave rather than using sick or vacation days, the lawsuit stated.



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McCarthy than changed his plans due to the pressure and worked the last week in December but switched his shift to spend more time with his daughter.

In January, he requested, and was eventually granted, medical leave for February 27 through March 3 as well as April 17 through April 21 and May 22.

However shortly after requesting the days, he was suspended after a dispute with his boss, Mary Kochaniwsky. He was notified two days later in writing that he was being terminated, effective immediately, according to the lawsuit.

McCarthy claims that his employer used the incident with his boss in order to retaliate and fire him.

Through the lawsuit, he is seeking damages and attorney fees from the center.

"As the complaint states, Mr. McCarthy's supervisors at Daleview turned on him because of their legal obligation to accommodate his need for time off to care for his daughter," McCarthy's lawyer,

Lawrence M. Pearson, said. "Employers expect loyalty and respect from their employees – but must show loyalty and respect to their employees, too, including for their legal rights."

*Photo: Google Maps*