

Wigdor LLP Represents Dedicated Nurse, Fired From Daleview Care Center After Disclosing Daughter's Stage Four Cancer

April 24, 2017 • News & Press

Wigdor LLP represents Daniel McCarthy, a registered nurse formerly employed at Daleview Care Center in Farmingdale, New York. Mr. McCarthy worked for Daleview for over five years, and was promoted twice, eventually becoming the Assistant Director of Nursing. As alleged in the Complaint, following Mr. McCarthy's disclosure of his daughter's stage four kidney cancer, he began to be subjected to hostile comments at work and interrogations regarding his time off requests to care for his daughter.

As alleged, when Mr. McCarthy requested to use his vacation days to care for his daughter, Daleview insisted he use his paid sick time. As his need for time off increased with his daughter's chemotherapy treatments, he began to receive text messages from management harassing him to explain why he needed time off, despite knowing of his daughter's condition, and insinuating that he was using his daughter's illness to secure a paid vacation. In the face of incessant pressure from Daleview to limit his time off, Mr. McCarthy nevertheless took an FMLA-qualifying intermittent leave of absence, which he requested for certain weeks in the spring of 2017.

Shortly thereafter, as alleged, Daleview management took advantage of what was seen as an opportunity to rid themselves of Mr. McCarthy and avoid dealing with his need for medical leave. Just a few weeks later, when Mr. McCarthy attempted to issue an equivalent suspension to a white female nurse as was given to a Black housekeeper for breaking nursing home policy on wearing flu masks, management refused to support the discipline, stating it was "too harsh." Mr. McCarthy pointed out that this conduct was racially discriminatory, to which his manager replied, "Enough! I don't want to hear it!" The same day purportedly due to the "insubordination," Mr. McCarthy was suspended, and then terminated two days later – temporarily leaving him without insurance for his daughter, and forcing the cancellation and postponement of some treatment.

Mr. McCarthy is represented by Lawrence M. Pearson, a Partner at Wigdor LLP and Alex J. Hartzband, an Associate.

[Read Complaint](#)

ABC Local News, Channel 7 and NBC Local News, Channel 4 report on a lawsuit against Daleview Care Center filed by Wigdor LLP Partner Lawrence M. Pearson on behalf of Daniel McCarthy. ABC points out that Daleview "run[s] compassionate care as a business" but ironically shows "no compassion" for its employees. NBC reports that "at first [Daleview] was understanding, but the more time [Mr. McCarthy] had to take, the less understanding they became" until Mr. McCarthy was terminated based on "insubordination," despite having "just last year won nurse of the year." Partner Lawrence Pearson comments, "We look forward to exposing [the termination] as the pretext that it is."

WNBC
News 4 New York
April 24, 2017

http://www.wigdorlaw.com/wp-content/uploads/2017/04/Daleview-Care-Center-Lawsuit-WNBC-5pm-4-24-17_CLIPCHAMP_240p-reupload.mp4

WABC
Eyewitness News
April 24, 2017

http://www.wigdorlaw.com/wp-content/uploads/2017/04/Daleview-Care-Center-Lawsuit-WABC-11pm-4-24-17_CLIPCHAMP_240p-reupload.mp4

New York Daily News
"Award-winning Long Island nurse's lawsuit claims he was fired after daughter got cancer"
April 24th, 2017
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ABC 7 Eyewitness News
"LONG ISLAND DAD SAYS HE WAS FIRED FROM JOB AFTER TAKING TIME OFF TO CARE FOR CANCER-STRICKEN DAUGHTER"
April 24, 2017
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Mirror
"Award-winning nurse 'fired by care home bosses after five-year-old daughter got cancer'"
April 25, 2017
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ABC 6 Action News
"DAD SAYS HE WAS FIRED FROM JOB AFTER TAKING TIME OFF TO CARE FOR CANCER-STRICKEN DAUGHTER"
April 26, 2017
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Newsday
"Suit: Long Island nurse with sick child fired for time off request"
April 26, 2017
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Farmingdale Patch

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

April 26, 2017

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