

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 01-1268

DOUGLAS SINOPOLI,

Appellant

v.

AMERICAN ARBITRATION ASSOCIATION;
COMMUNICATION WORKERS OF AMERICA;
BELL ATLANTIC-NJ, INC.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW JERSEY

(District Court No. 99-CV-389)
District Court Judge: Katherine S. Hayden

Submitted Under Third Circuit LAR 34.1(a)
March 4, 2002

Before: ALITO, RENDELL, and HALL, Circuit Judges.

(Opinion Filed: March 25, 2002)

OPINION OF THE COURT

PER CURIAM:

The facts and procedural background of this case are familiar to the parties. We cannot accept Appellant's argument that he did not receive a proper opportunity to make a complete record in this case. We reject his contention that the Communications Workers of America breached its duty of fair representation to him regarding the security report. The District Court did not err when it upheld the arbitrator's ruling, after in camera review, that Bell Atlantic NJ, Inc. need not disclose its security report to Douglas Sinopoli.

We agree with the District Court that the matters at issue in Sinopoli's complaint do not relate to any violation of the Family and Medical Leave Act ("FMLA"). An FMLA violation occurs when a person exercises a right protected under the Act, and, as a

result, the employer discharges or otherwise discriminates against that person. See 29 U.S.C. 2615(a) (2000).

We hold that the District Court properly dismissed Sinopoli's complaint for failure to state a claim upon which relief may be granted, pursuant to Fed. R. Civ. P. 12(b)(6). We have considered all of Appellant's arguments and find no ground to reverse. The Order of the District Court on August 14, 2000 is therefore AFFIRMED.

TO THE CLERK OF THE COURT:

Kindly file the foregoing Opinion.

Circuit Judge