

First Massachusetts PFMLA Retaliation Verdict: \$4.75 Million Awarded Against Wayfair

Description

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On April 27, 2026, a Suffolk Superior Court jury returned what is believed to be the first verdict in Massachusetts validating a retaliation claim under the Massachusetts Paid Family and Medical Leave Act (PFMLA), G.L. c. 175M. In *Boyle v. Wayfair*, the jury awarded the plaintiff \$4 million in punitive damages, \$600,000 for emotional distress, and more than \$75,000 in back pay, finding that Wayfair retaliated against her both for taking PFMLA leave and for internally complaining of age discrimination. Notably, the jury rejected the underlying age discrimination claim itself, but found that the company unlawfully retaliated against her claiming age discrimination. The verdict, and in particular the size of the punitive damages award, is a sharp reminder of the unique exposure employers face under the PFMLA's retaliation framework.

Boyle v. Wayfair

The plaintiff joined Wayfair as a senior manager in April 2019. After receiving mixed performance reviews and being moved into a newly created program manager role with admittedly undefined expectations, she complained internally to Wayfair's talent management department that her manager was discriminating against her on the basis of age. She then took medical leave under the federal Family and Medical Leave Act from October 30, 2020, through January 27, 2021, followed by PFMLA leave from January 1 through June 1, 2021. During her leave, the plaintiff was given a performance review rating signifying that she "rarely met" Wayfair's expectations. Upon her return, she was placed on a 45-day performance improvement plan, and then terminated on August 10, 2021, well within six months of her return from PFMLA leave. The trial record also included testimony from a former subordinate that one of the decisionmakers had stated the plaintiff was "faking health issues to be out on FMLA to avoid being fired."

The PFMLA's Statutory Presumption and the "Clear and Convincing" Burden

What makes the *Boyle* verdict significant goes well beyond its size. The PFMLA contains a, unique, and many would consider unfair, retaliation provision, G.L. c. 175M, § 9(c), that creates a statutory presumption that *any negative* change in the seniority, status, employment benefits, pay, or other terms or conditions of employment occurring during a leave or within six months following the employee's return from PFMLA leave is retaliatory. The presumption immediately shifts the burden to the employer, forcing the employer to come forward with clear and convincing evidence that the action was not retaliatory, that the employer had sufficient independent justification for the action, and that the employer would have taken the action in the same manner and at the same time regardless of the employee's use of leave. That is a markedly higher standard than the preponderance-of-the-evidence burden employers are accustomed to carrying in most employment cases. The "same manner and same time" element effectively requires the employer to prove the action would have unfolded on the same timeline absent the leave. The result is that the typical defense-side advantage of forcing a plaintiff to prove her case is effectively flipped: once the timing trigger is satisfied, the employer must affirmatively prove that the adverse action would have occurred regardless of the leave.

The *Boyle* case also highlights an additional wrinkle for employers defending such claims. The PFMLA itself does not authorize separate jury-assessed punitive damages; rather, § 9(d) provides for automatic trebling of lost wages, benefits, and other remuneration, along with reinstatement, attorneys' fees, and a jury trial right. The substantial punitive award in *Boyle* was issued under the plaintiff's parallel retaliation claim under Chapter 151B, which permits jury-assessed punitive damages and reaches conduct found to be "outrageous" or to

reflect “reckless indifference” to the employee’s rights.

Implications for Employers

Several practical takeaways flow from the decision. First, performance issues should be documented in real time, with specific, objective criteria, and before an employee gives notice of a need for leave or makes an internal complaint of discrimination. Second, employers need to be keenly aware that any negative change to an employee’s employment occurring within six months of PFMLA leave is presumed to be retaliatory. Third, performance improvement plans, demotions, terminations, and similar actions taken in the six months following a return from PFMLA leave should be reviewed in advance with counsel and supported by a documented record that the decision was made, or would have been made, irrespective of the leave. Finally, supervisors and HR personnel should be trained to avoid the kinds of statements that proved damaging in *Boyle*, particularly comments suggesting that an employee is misusing or fabricating a medical condition to avoid discipline. Such statements could be admitted at trial and negatively impact an employer’s defense.

If you have questions about the PFMLA, retaliation claims, leave management practices, performance documentation, or employment-related risk mitigation strategies, the attorneys in the [Employment & Labor](#) Practice Group at PSH are available to assist.

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