



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Office of Federal Operations
P.O. Box 77960
Washington, DC 20013

[REDACTED]
Hugh B.,¹
Complainant,

v.

Edward Drusina,
Commissioner,
International Boundary & Water Commission,
Agency.

Appeal No. 0120170001

Agency No. EEO1004

DECISION

On July 3, 2014, Complainant filed an appeal with the Equal Employment Opportunity Commission (EEOC or Commission), pursuant to 29 C.F.R. § 1614.403(a), from the Agency's June 7, 2014, final decision concerning his equal employment opportunity (EEO) complaint alleging employment discrimination in violation of Title VII of the Civil Rights Act of 1964 (Title VII), as amended, 42 U.S.C. § 2000e et seq. and the Age Discrimination in Employment Act of 1967 (ADEA), as amended, 29 U.S.C. § 621 et seq. For the following reasons, the Commission MODIFIES the Agency's final decision.

BACKGROUND

Complainant worked as a Laborer, WG-3502-3-2, at the Agency's Field Office in Mercedes, Texas. On April 19, 2010, Complainant initiated an informal EEO complaint. On July 1, 2010 and September 1, 2010, Complainant filed two EEO complaints in which he alleged that his immediate supervisor discriminated against him on the bases of race (Caucasian), age (47), and reprisal (prior protected EEO activity). He identified several incidents that occurred between April and September 2010 as comprising his complaints. The Agency consolidated and investigated the two complaints, and issued a final decision in which it found no discrimination.

¹ This case has been randomly assigned a pseudonym which will replace Complainant's name when the decision is published to non-parties and the Commission's website.

Complainant appealed, and in Complainant v. Int'l Boundary and Water Comm'n, EEOC Appeal No. 0120112384 (Mar. 19, 2013), req. for recon. den'd, EEOC Request No. 0520130669 (Feb. 11, 2014), the Commission reversed the Agency's decision in part. Specifically, the Commission found that in April 2010, shortly after Complainant contacted the EEO Counselor, his Supervisor told six other employees that Complainant had filed an EEO complaint and had personally warned one of those employees to "be careful about what [he] said" regarding that complaint. The Commission concluded that the Supervisor's act constituted per se reprisal. The Commission remanded the matter to the Agency for a supplemental investigation into Complainant's entitlement to compensatory damages and ordered the Agency to provide training to and consider disciplining the Supervisor, to post a notice, and to pay proven attorneys' fees.²

The Agency conducted a supplemental investigation and issued a decision in which it ordered \$2,913.25 in compensatory damages, of which \$413.25 consisted of pecuniary damages for out-of-pocket expenses and \$2,500 consisted of non-pecuniary damages for emotional harm Complainant suffered as a result of being harassed by his Supervisor. On appeal, Complainant contends that he is entitled to \$11,559.40 in pecuniary damages and \$75,000 in nonpecuniary damages. Complainant submitted the following claims for out-of-pocket expenses:

<u>Item</u>	<u>Expense</u>	<u>Amount</u>
A	Dental receipts	\$2,290.00
B	Airline tickets	\$1,130.60
C	Credit card statement	\$3,643.70
D	Grocery store receipt	\$134.82
E	Restaurant bill	\$151.91
F	Car rental receipt	\$330.28
G	Hotel bill	\$754.96
H	Gasoline receipt	\$32.18
I	Parking receipt	\$78.98
J	Hotel receipt	\$111.41
K	Coffee shop receipt	\$7.74
L	Gasoline receipt	\$30.00
M	Limousine receipt	\$35.00
N	Limousine receipt	\$32.00
O	Parking receipt	\$10.00
P	Restaurant bill	\$16.70
Q	Grocery store receipt	\$24.29
R	Coffee shop receipt	\$4.66
S	Parking receipt	\$71.80

² The attorneys' fees issue was addressed separately in Complainant v. Int'l Boundary and Water Comm'n, EEOC Appeal No. 0120142479 (July 8, 2016), req. for recon. modified, EEOC Request No. 0520160481 (Jan. 13, 2017).

T	Hotel bill	\$168.37
U	Psychologist's payment	<u>\$2,500.00</u>
TOTAL:		\$11,559.40

The Agency disallowed Item (A) in its entirety because the dental problem for which Complainant was billed occurred in March 2010, before the retaliation at issue. The Agency likewise disallowed Item (C) in its entirety because Complainant did not present any receipts or documentation linking the transactions in the statement to the incident for which reprisal had been found. As to items (B) and (E), the Agency reduced the allowance of Item (B) by one half and Item (E) by two thirds on the ground that Complainant could have minimized them or avoided them altogether with reasonable effort. The amounts were reduced as follows:

B	Airline tickets	\$565.30
E	Restaurant bill	\$50.64

Finally, the Agency allowed one twelfth of Items (B) and (D) through (U) on the ground that Complainant prevailed on only one out of twelve claims.

The evidence Complainant presented in support of his claim for non-pecuniary damages included his own affidavit, the affidavits of two co-workers, and the report of the forensic psychologist who evaluated his mental and emotional state. Complainant averred that his mental and physical health had been negatively impacted by the retaliatory actions of his Supervisor, to the point where he had become introverted and suspicious. He related how he had to constantly look over his shoulder in order to protect himself from unwarranted attention. Complainant's two co-workers averred that they had observed the Supervisor yelling at Complainant on several occasions, and one of them averred that she had reported what she had seen to the Project Manager in charge of the office. The psychologist reported that, according to the results of a psychological examination, Complainant was both anxious and depressed, and was experiencing many negative emotions. He diagnosed Complainant with moderate, single-episode major depression and generalized anxiety disorder. He further noted that even though Complainant was demoralized, he was able to function in his then-present occupational capacity.

ANALYSIS AND FINDINGS

Pursuant to section 102(a) of the Civil Rights Act of 1991, a Complainant who establishes unlawful intentional discrimination under either Title VII of the Civil Rights Act of 1964 (Title VII), as amended, 42 U.S.C. § 2000e et seq. may receive compensatory damages for past and future pecuniary losses (i.e., out-of-pocket expenses) and non-pecuniary losses (e.g., pain and suffering, mental anguish) as part of this "make whole" relief. 42 U.S.C. § 1981a(b)(3). In West v. Gibson, 527 U.S. 212 (1999), the Supreme Court held that Congress afforded the Commission the authority to award compensatory damages in the administrative process. For an employer with more than 201 and less than 500 employees, such as the Agency, the limit of liability for future pecuniary and non-pecuniary damages is \$200,000. 42 U.S.C. § 1981a(b)(3).

To receive an award of compensatory damages, Complainant must demonstrate that he had been harmed as a result of the Agency's discriminatory action; the extent, nature and severity of the harm; and the duration or expected duration of the harm. Complainant v. Dep't of the Navy, EEOC Appeal No. 01934157 (July 22, 1994), req. for recon. den'd, EEOC Request No. 05940927 (Dec. 8, 1995); EEOC's Enforcement Guidance: Compensatory and Punitive Damages Available Under Section 102 of the Civil Rights Act of 1991, EEOC Notice No. 915.002 at 11-12, 14 (July 14, 1992) ("Guidance"). Complainant is required to provide objective evidence that will allow an Agency to assess the merits of her request for damages. See Complainant v. Dep't of the Navy, EEOC Appeal No. 01922369 (Jan. 5, 1993). Furthermore, the award should take into account the severity and duration of the harm. Complainant v. Dep't of Agric., EEOC Appeal No. 01945652 (July 17, 1995).

Pecuniary Damages

Item (A): Complainant contends that the Agency erred in denying this expense. He stated that after he had filed his complaint, he began to experience increased stress which caused the deterioration of his health, including the cracking of two teeth due to grinding while sleeping, which required crowns. Complainant added that in April 2010, his supervisor told his co-workers to "stay away" from him. In its final decision, the Agency stated that the cracking of Complainant's teeth occurred in March 2010. The receipts for the two payments to the dentist are dated May 21, 2010 and June 2, 2010, each in the amount of \$1,145. Complainant's handwritten notes indicate that on May 24, 2010, the dentist attempted to fix his broken teeth. A dental treatment plan dated May 13, 2010, describes the work that was done but does not set forth the date that the treatment took place nor does it indicate the cause of the dental problems. The record demonstrates that Complainant's dental injuries that began in March 2010 occurred prior to his supervisor's April 2010 retaliatory acts. We therefore find that the Agency properly disallowed this expense.

Items (B) & (E): The Agency disallowed these two items on the ground that Complainant could have minimized or avoided these expenses with a reasonable effort. Our policy guidance on compensatory damages specifies that Complainant may not recover damages for any harm that he could have avoided or minimized with reasonable effort. Enforcement Guidance: Compensatory and Punitive Damages Available Under Section 102 of the Civil Rights Act of 1991, EEOC Notice No. N-915.002 (July 14, 1992) at 9. However, it is the Agency that has the burden of showing that Complainant failed to exercise reasonable diligence to mitigate his damages. Id. As to Item (B), which consisted of airline tickets for Complainant's representatives, the Agency disallowed the ticket for one of the representatives, but did not explain why that expense needed to be minimized. The Agency did the same with Item (E), disallowing the meal expenses for both of Complainant's representatives without giving a reason as to why it believed that Complainant failed to mitigate. Accordingly, we will restore these expenses to the full amount claimed by Complainant.

Item (C): Damages for past pecuniary losses will not normally be awarded without documentation such as receipts, records, bills, cancelled checks, or confirmation by other individuals of actual loss and expenses. Margaret L. v. Dep't of Veterans Affairs, EEOC Appeal No. 0120150582 (April 17, 2018); Drew N. v. Dep't of Homeland Sec., EEOC Appeal No. 0120160208 (Jan. 11, 2018); Melina K. v. Dep't of Def., EEOC Appeal No. 0120152834 (Aug. 10, 2017). The credit card statement presented by Complainant included the airfare transactions at issue in Item (B) along with other transactions. No receipts or other information demonstrating that those additional expenses were incurred as a result of the incident on which Complainant prevailed. Consequently, we find that the Agency correctly disallowed this expense.

Items (B), (D)-(U): Complainant argued that the Agency arbitrarily reduced the expense claims he submitted to one twelfth of the amount he claims he is owed. He contends that the expenses he incurred would have been the same whether he prevailed on one claim or all twelve, and consequently, should have been fully reimbursed. Complainant failed, however, to isolate the damages he incurred related to the agency's per se act of retaliation from those damages he might have incurred due to the incidents underlying his eleven unsuccessful claims. See e.g. Foster v. U.S. Postal Service, EEOC Appeal No. 0120121598 (Sept. 4, 2013), req. for recon. den'd, EEOC Request No. 0520140045 (Mar. 28, 2014). In his affidavit, Complainant describes the deterioration of his mental and emotional health due to the actions of his Supervisor, but only one of those actions was found to have violated Title VII. He has not presented any argument or evidence tying any of the expenses he claimed to the Supervisor's unauthorized disclosure of his EEO information. Apart from his own unsupported assertions, he has not presented evidence sufficient to justify increasing the award beyond the adjustments discussed herein.

Accordingly, the award for Complainant's out-of-pocket will be adjusted as follows:

<u>Item</u>	<u>Expense</u>	<u>Gross Amount</u>	<u>Final Award</u>
B	Airline tickets	\$1,130.60	\$94.22
D	Grocery store receipt	\$134.82	\$11.24
E	Restaurant bill	\$151.91	\$12.66
F	Car rental receipt	\$330.28	\$27.52
G	Hotel bill	\$754.96	\$62.91
H	Gasoline receipt	\$32.18	\$2.68
I	Parking receipt	\$78.98	\$6.58
J	Hotel receipt	\$111.41	\$9.28
K	Coffee shop receipt	\$7.74	\$0.65
L	Gasoline receipt	\$30.00	\$2.50
M	Limousine receipt	\$35.00	\$2.92
N	Limousine receipt	\$32.00	\$2.67
O	Parking receipt	\$10.00	\$0.83
P	Restaurant bill	\$16.70	\$1.39

Q	Grocery store receipt	\$24.29	\$2.02
R	Coffee shop receipt	\$4.66	\$0.39
S	Parking receipt	\$71.80	\$5.98
T	Hotel bill	\$168.37	\$14.03
U	Check to Psychologist	<u>\$2,500.00</u>	<u>\$208.33</u>
TOTAL:		\$7,915.70	\$468.80

Non-Pecuniary Damages

Section 102(a) of the 1991 Civil Rights Act authorizes an award of compensatory damages for non-pecuniary losses, such as, but not limited to, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, injury to character and reputation, and loss of health. We note that damage awards for emotional harm are difficult to determine and that there are no definitive rules governing the amount to be awarded in given cases. A proper award must meet two goals: that it not be “monstrously excessive” standing alone, and that it be consistent with awards made in similar cases. See Cygnar v. City of Chicago, 865 F.2d 827, 848 (7th Cir. 1989).

Non-pecuniary losses are not subject to precise quantification, i.e., emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, injury to professional standing, injury to character and reputation, injury to credit standing, and loss of health. See EEOC Notice No. 915.302 at 10 (July 14, 1992). There is no precise formula for determining the amount of damages for non-pecuniary losses except that the award should reflect the nature and severity of the harm and the duration or expected duration of the harm. See Loving v. Dep't of the Treasury, EEOC Appeal No. 01955789 (Aug. 29, 1997).

Evidence from a health care provider or other expert is not a mandatory prerequisite for recovery of compensatory damages for emotional harm. See Lawrence v. U.S. Postal Serv., EEOC Appeal No. 01952288 (Apr. 18, 1996) citing Carle v. Dep't of the Navy, EEOC Appeal No. 01922369 (Jan. 5, 1993). Objective evidence of compensatory damages can include statements from Complainant concerning emotional pain or suffering, inconvenience, mental anguish, loss of enjoyment of life, injury to professional standing, injury to character or reputation, injury to credit standing, loss of health, and any other non-pecuniary losses that are incurred as a result of the discriminatory conduct. Id. Statements from others including family members, friends, health care providers, and other counselors (including clergy) could address the outward manifestations or physical consequences of emotional distress, including sleeplessness, anxiety, stress, depression, marital strain, humiliation, emotional distress, loss of self-esteem, excessive fatigue, or a nervous breakdown. Id. Complainant's own testimony, along with the circumstances of a particular case, can suffice to sustain his burden in this regard. Id. The more inherently degrading or humiliating the defendant's action is, the more reasonable it is to infer that a person would suffer humiliation or distress from that action. Id. The absence of supporting evidence, however, may affect the amount of damages appropriate in specific cases. Id.

Complainant has the burden of proving the existence, nature and severity of the alleged emotional harm. Man H. v. Dept. of Homeland Sec., EEOC Appeal No. 0120161218 (May 2, 2017). Complainant must also establish a causal relationship between the alleged harm and the discrimination. Id. Absent such proof of harm and causation, a Complainant is not entitled to compensatory damages, even if there were a finding of unlawful discrimination. Id. See also e.g. Wilda M. v. U.S. Postal Serv., EEOC Appeal No. 0120141087 (Jan. 12, 2017) (Awards for emotional harm are warranted only if Complainant establishes a sufficient causal connection between the Agency's illegal actions and her injury).

Complainant presented the affidavits of himself and two co-workers attesting to the fact that he had been harassed by his Supervisor and that his physical, mental and emotional state had deteriorated. In addition, the psychologist's report established that Complainant was diagnosed with situational depression and general anxiety, but was able to function normally in his work environment. The psychologist's report does not include a prognosis, and neither Complainant nor his co-workers included statements about the duration of Complainant's condition. Based upon this evidence, along with the bills and receipts he presents for reimbursement of out-of-pocket expenses³, he asks for non-pecuniary compensatory damages in the amount of \$75,000. As previously noted, the Agency awarded him \$2,500 for emotional harm and loss.

In Jackqueline G. v. Dept. of Justice, EEOC Appeal No. 0720160022 (Jan. 11, 2017), the Commission awarded the employee \$65,000 in non-pecuniary compensatory damages. That award was based on our findings that as a result of the agency's discriminatory actions, the employee experienced physical symptoms accompanying mental and emotional distress, such as migraine headaches, temporary vision loss, speech loss, numbness in the hands and tongue. The employee also withdrew from family and friends and lost her motivation to pay her bills or engage in her hobbies. Similarly, in Ricardo K. v. Dept. of Justice, EEOC Appeal No. 0720170030 (Oct 12, 2017), the Commission upheld an award of \$75,000 to an employee who suffered severe emotional distress, anxiety, post-traumatic stress disorder and depression, to the point where his fiancée left him and he could no longer engage in social events. The employee was still experiencing trauma more than three years after the harassment had occurred.

In the case now before us, Complainant's symptoms were not nearly as severe as those exhibited by the employees in Jackqueline G. and Ricardo K. As noted above, although Complainant felt depressed, anxious, and demoralized, the submitted record evidence does not indicate how long Complainant's anxiety and depression had lasted or what his prognosis was. Moreover, what is still unclear from the record is the extent to which Complainant's anxiety and depression resulted from the one claim upon which discrimination was found or from the incidents underlying the other eleven claims. We therefore agree with the Agency that an award of \$75,000 would be excessive.

³ We note that, with the exception of the dental and psychologist bills, the expenses reimbursed by the Agency appear to cover travel expenses for Complainant and his representatives. We further note, however, that the Agency chose to reimburse those expenses and, with the exceptions discussed above, we will not disturb its decision to do so.

Consequently, we find that an award of \$3,500 is appropriate. This award is supported by the evidence, consistent with Commission precedent and is neither “monstrously excessive” nor the product of passion or prejudice. See Onie R. v. Dept. of Def., EEOC Appeal No. 0120141870 (June 16, 2016) (\$3,000 award appropriate where employee provided evidence that the agency’s reprisal resulted in anxiety, feelings of intimidation and disrespect, despondence, sleep loss, fatigue, difficulty in concentrating, hypersensitivity, and feelings of guilt); Malekpour v. Dep’t of Transp., EEOC Appeal No. 0720100016 (Dec. 16, 2011), req. for recon. den’d EEOC Request No. 0520120340 (June 21, 2012) (\$3,000 award appropriate where employee had reported mental anguish and anxiety after being threatened about not attending mediation and witness observed that Complainant appeared medically distressed after retaliatory incident that occurred in the presence of other employees); Robledo v. Dep’t of Homeland Sec., EEOC Appeal No. 0120113438 (Oct. 21, 2011), req. for recon. den’d EEOC Request No. 0520120132 (May 24, 2012) (\$3,000 award appropriate where employee and his friend testified that he suffered anguish, and emotional pain for several weeks after discriminatory denial of leave); Webster v. Dep’t of Defense, EEOC Appeal No. 0120102276 (Sept. 20, 2011) (\$4,000 award for injury to employee’s professional reputation and increased level of distress following agency’s act of per-se reprisal).

To summarize, we find that Complainant is entitled to an award of compensatory damages in the amount of \$3,968.80, of which \$468.80 represents pecuniary damages for Complainant’s out-of-pocket expenses and \$3,500 represents non-pecuniary damages for pain and suffering.

CONCLUSION

Based on a thorough review of the record and the contentions on appeal, we MODIFY the Agency’s final decision as set forth in our order below.

ORDER (C0618)

Within sixty (60) calendar days of the date this decision is issued, the Agency is ordered to issue Complainant a check in the amount of \$3,968.80. If the Agency has already issued Complainant a check for a lesser amount of compensatory damages, it shall issue a second check in the amount of \$3,968.80 less the amount already awarded.

The Agency is further directed to submit a report of compliance in digital format as provided in the statement entitled "Implementation of the Commission's Decision." The report shall be submitted via the Federal Sector EEO Portal (FedSEP). See 29 C.F.R. § 1614.403(g). Further, the report must include supporting documentation of the Agency's calculation of back pay and other benefits due Complainant, including evidence that the corrective action has been implemented.

ATTORNEY'S FEES (H1016)

If Complainant has been represented by an attorney (as defined by 29 C.F.R. § 1614.501(e)(1)(iii)), he is entitled to an award of reasonable attorney's fees incurred in the processing of the complaint.

29 C.F.R. § 1614.501(e). The award of attorney's fees shall be paid by the Agency. The attorney shall submit a verified statement of fees to the Agency -- **not** to the Equal Employment Opportunity Commission, Office of Federal Operations -- within thirty (30) calendar days of the date this decision was issued. The Agency shall then process the claim for attorney's fees in accordance with 29 C.F.R. § 1614.501.

IMPLEMENTATION OF THE COMMISSION'S DECISION (K0618)

Under 29 C.F.R. § 1614.405(c) and §1614.502, compliance with the Commission's corrective action is mandatory. Within seven (7) calendar days of the completion of each ordered corrective action, the Agency shall submit via the Federal Sector EEO Portal (FedSEP) supporting documents in the digital format required by the Commission, referencing the compliance docket number under which compliance was being monitored. Once all compliance is complete, the Agency shall submit via FedSEP a final compliance report in the digital format required by the Commission. See 29 C.F.R. § 1614.403(g). The Agency's final report must contain supporting documentation when previously not uploaded, and the Agency must send a copy of all submissions to the Complainant and his/her representative.

If the Agency does not comply with the Commission's order, the Complainant may petition the Commission for enforcement of the order. 29 C.F.R. § 1614.503(a). The Complainant also has the right to file a civil action to enforce compliance with the Commission's order prior to or following an administrative petition for enforcement. See 29 C.F.R. §§ 1614.407, 1614.408, and 29 C.F.R. § 1614.503(g). Alternatively, the Complainant has the right to file a civil action on the underlying complaint in accordance with the paragraph below entitled "Right to File a Civil Action." 29 C.F.R. §§ 1614.407 and 1614.408. A civil action for enforcement or a civil action on the underlying complaint is subject to the deadline stated in 42 U.S.C. 2000e-16(c) (1994 & Supp. IV 1999). **If the Complainant files a civil action, the administrative processing of the complaint, including any petition for enforcement, will be terminated.** See 29 C.F.R. § 1614.409.

STATEMENT OF RIGHTS - ON APPEAL

RECONSIDERATION (M0617)

The Commission may, in its discretion, reconsider the decision in this case if the Complainant or the Agency submits a written request containing arguments or evidence which tend to establish that:

1. The appellate decision involved a clearly erroneous interpretation of material fact or law; or
2. The appellate decision will have a substantial impact on the policies, practices, or operations of the Agency.

Requests to reconsider, with supporting statement or brief, must be filed with the Office of Federal Operations (OFO) **within thirty (30) calendar days** of receipt of this decision. A party shall have **twenty (20) calendar days** of receipt of another party's timely request for reconsideration in which to submit a brief or statement in opposition. See 29 C.F.R. § 1614.405; Equal Employment Opportunity Management Directive for 29 C.F.R. Part 1614 (EEO MD-110), at Chap. 9 § VII.B (Aug. 5, 2015). All requests and arguments must be submitted to the Director, Office of Federal Operations, Equal Employment Opportunity Commission. Complainant's request may be submitted via regular mail to P.O. Box 77960, Washington, DC 20013, or by certified mail to 131 M Street, NE, Washington, DC 20507. In the absence of a legible postmark, the request to reconsider shall be deemed timely filed if it is received by mail within five days of the expiration of the applicable filing period. See 29 C.F.R. § 1614.604. The agency's request must be submitted in digital format via the EEOC's Federal Sector EEO Portal (FedSEP). See 29 C.F.R. § 1614.403(g). The request or opposition must also include proof of service on the other party.

Failure to file within the time period will result in dismissal of your request for reconsideration as untimely, unless extenuating circumstances prevented the timely filing of the request. Any supporting documentation must be submitted with your request for reconsideration. The Commission will consider requests for reconsideration filed after the deadline only in very limited circumstances. See 29 C.F.R. § 1614.604(c).

COMPLAINANT'S RIGHT TO FILE A CIVIL ACTION (T0610)

This decision affirms the Agency's final decision/action in part, but it also requires the Agency to continue its administrative processing of a portion of your complaint. You have the right to file a civil action in an appropriate United States District Court within ninety (90) calendar days from the date that you receive this decision on both that portion of your complaint which the Commission has affirmed and that portion of the complaint which has been remanded for continued administrative processing. In the alternative, you may file a civil action after one hundred and eighty (180) calendar days of the date you filed your complaint with the Agency, or your appeal with the Commission, until such time as the Agency issues its final decision on your complaint. If you file a civil action, you must name as the defendant in the complaint the person who is the official Agency head or department head, identifying that person by his or her full name and official title. Failure to do so may result in the dismissal of your case in court. "Agency" or "department" means the national organization, and not the local office, facility or department in which you work. If you file a request to reconsider and also file a civil action, filing a civil action will terminate the administrative processing of your complaint.

RIGHT TO REQUEST COUNSEL (Z0815)

If you want to file a civil action but cannot pay the fees, costs, or security to do so, you may request permission from the court to proceed with the civil action without paying these fees or costs. Similarly, if you cannot afford an attorney to represent you in the civil action, you may request the court to appoint an attorney for you.

You must submit the requests for waiver of court costs or appointment of an attorney directly to the court, not the Commission. The court has the sole discretion to grant or deny these types of requests. Such requests do not alter the time limits for filing a civil action (please read the paragraph titled Complainant's Right to File a Civil Action for the specific time limits).

FOR THE COMMISSION:

A handwritten signature in blue ink that reads "Carlton M. Hadden". The signature is written in a cursive style and is positioned above a horizontal line.

Carlton M. Hadden, Director
Office of Federal Operations

October 11, 2018

Date