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

Janice Brown a/k/a
Candace C.,[1]
Complainant,

v.

Christine Wormuth,
Secretary,
Department of the Army,
Agency.

Appeal No. 2022004916

Hearing No. 520-2021-00336X

Agency No. ARDRUM20AUG2389

DECISION

Complainant filed a timely appeal with the Equal Employment Opportunity Commission (EEOC or Commission), pursuant to 29 C.F.R. § 1614.403(a), from the Agency's September 21, 2022, final order concerning her 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. For the following reasons, the Commission AFFIRMS the Agency's final order.

ISSUES PRESENTED

1) Whether the AJ's grant of summary judgment in favor of the Agency was appropriate, or whether genuine disputes of material fact exist that require a hearing.

[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.

2) Whether the Agency's final order properly found that Complainant was not subjected to discrimination on the bases of race and reprisal.

BACKGROUND

At the time of events giving rise to this complaint, Complainant worked as a Sexual Assault Response Coordinator, GS-0301-11, within the Agency's Directorate of Human Resources located at Fort Drum, New York. On March 25, 2021, Complainant filed an EEO complaint alleging that the Agency discriminated against her and subjected her to a hostile work environment on the bases of race (African American) and in reprisal for prior protected EEO activity when: (1) on August 6, 2020, the ASAP Manager did not interview or select her for the Army Substance Abuse Program (ASAP) Prevention Chief position; and (2) the Agency did not permit her to telework during the week of February 22, 2021.[2]

Claim (1) – Non-selection

The ASAP Prevention Chief position was recruited using the Civilian Personnel Advisory Center's (CPAC) Modified Expedited Referral List (MERL) process. Complainant applied and was referred for the position. Qualifications and eligibility determinations were not conducted by the CPAC before sending the referral list.[3] CPAC advertised the announcement from July 24, 2020, to July 30, 2020, and the MERL certificate of referral was issued to management on August 4, 2020.

On August 4, 2020, the Chief of the Social and Family Readiness Division who was Complainant's first-line supervisor (Supervisor1), the ASAP Manager (ASAP Manager) who supervised the vacant position, and the Director of the Directorate of Human Resources (HR Director), discussed the applicants' educational backgrounds and qualifications and agreed ASAP Manager would select the selectee (Selectee) (Caucasian) for the ASAP Prevention Chief position in the automated system. At the time the automated selection was made on August 4, 2020, Supervisor1, ASAP Manager and the CPAC staffing team were all aware that the selection remained subject to a "qual[ifications] and eligibility" determination and for that reason the CPAC supervisory staffing

[2] The Agency dismissed several additional claims which the AJ affirmed. The Commission can find no basis to disturb the dismissal of these claims.

[3] All applicants who claimed to be minimally qualified are referred to management using the MERL process.

specialist for the vacancy (Staffing Specialist) had recommended selecting an alternate should Selectee fail to meet eligibility or qualifications requirements.

On August 6, 2020, CPAC extended a job offer to Selectee, who accepted it. ASAP Manager announced the selection to the staff including Complainant. ASAP Manager testified that, in addition to meeting the job series educational requirements, Selectee "had worked within the ASAP program, within two of the programs that she [would be] supervising as the Branch Chief." Further, ASAP Manager stated that Selectee was "a certified master trainer for the ASAP…the gate keeper which is our assist program, the suicide prevention…master trainer for the A.S.S.I….trainer for the Time for Life certification that soldiers have to attend…and she had worked—when she was a specialist in that position, that position actually covers three different positions…so she also has knowledge in risk reduction programs and databases that are required for that."

Upon learning from an EEO officer that the hiring action had not complied with a Garrison Policy requirement to interview candidates, the deputy to the Garrison Commander directed Supervisor1 to interview the candidates. Supervisor1 contacted CPAC and had them withdraw the job offer previously extended to Selectee. Staffing Specialist, as the Acting CPAC Director, notified Selectee that the job offer was withdrawn and issued her a formal withdrawal memorandum. On August 7, 2020, Supervisor1 emailed an Army listserve of managers in her field to ask for a resume matrix and prepared interview questions for use in a Prevention Branch Chief position interview. The matrix and interview questions provided were subsequently vetted through the EEO office.

The assembled panel to score applicants and conduct interviews included three individuals external to the Fort Drum Directorate of Human Resources (Interviewer1 (African American), Interviewer2 (Black) and Interviewer3 (race unknown)). On August 12, 2020, Supervisor1 emailed the panel members the resumes, with names and identifying information removed, and asked that the scoring matrices be returned to her before the interviews. The Directorate Human Resources Administrative Officer (Administrative Officer) was tasked with contacting the applicants to schedule interviews. Administrative Officer called Complainant directly on August 12, 2020, regarding an interview and left a voicemail. HR Director called Complainant directly on August 12, 2020, regarding an opportunity for her to interview for the position but did not reach Complainant. HR Director emailed Complainant directly on August 13, 2020, and again offered her the opportunity to interview for the position.

She was "highly encouraged" to contact Administrative Officer to schedule an interview. Complainant emailed HR Director on August 13, 2020, to say that she "regretfully will decline an interview" for the position. HR Director emailed Complainant directly on August 13, 2020, less than four minutes later, to say that there was "confusion surrounding this hiring action," the position "is NOT filled" [emphasis in original], that they are "conducting interviews," the invitation to Complainant to interview "still stands" and that he would like to know her decision. Complainant emailed in response to HR Director on August 13, 2020, to say that she "will hold firm to [her] decision NOT to interview" [emphasis in original] for the position, and to thank him again for the opportunity.

The interview panel members conducted interviews of Selectee and another applicant (Applicant2) on August 14, 2020. Panel member testimony indicates they were not aware of Complainant's race or prior EEO activity, nor that of Selectee. On August 19, 2020, a Division Chief emailed the staffing team at the CPAC to relay that the Deputy to the Garrison Commander had asked for "a quals determination on all three applicants prior to selection." As part of the quality control process in place at the CPAC, the CPAC Lead Human Resources Specialist (Lead HR Specialist) discussed her determination of Complainant's ineligibility for the position for failure to meet minimum job series qualifications with another senior staffing specialist, who concurred in the conclusion, prior to notifying management.

On August 19, 2020, Lead HR Specialist emailed management to reply that Selectee was the only eligible and qualified candidate for the position, and that she "could not qualify [Complainant] based upon the Individual Occupational Requirements (IOR)[4] and her selection in USAStaffing." Selectee was offered the position on August 24, 2020, and accepted the position. Supervisor1 testified that Selectee "had direct work experience and/or direct training in support of the work experience that the Prevention Branch Chief would be doing" and the "other two candidates, although they had training experience, none of it was in the area of drug testing, suicide prevention, risk reduction identification, nor did any of them have access or familiarity with any of the systems that we are required to use within our day-to-day duties."

[4] The IOR for the Social Science Series, 0101, includes a degree in "behavioral or social science; or related disciplines appropriate to the position" or a "combination of education and experience that provided the applicant with knowledge of one or more of the behavioral or social sciences equivalent to a major in the field" or "four years of appropriate experience…." Complainant does not have a degree in behavioral or social science

A different branch chief at the CPAC had previously found Selectee qualified in 2018 for the ASAP Specialist position in the same job series. That was the position she held at the time she was selected to become the Chief within that section.

Claim (2) – Telework

On February 19, 2021, Supervisor1 emailed her entire division to state that "all employees are immediately returned to their non-telework schedule as it existed prior to 16 November 2020," meaning that "all staff are required to return to full office duty beginning 22 February 2021" as a "response to an Unfair Labor Practice charge filed by [Union] related to the decision to begin telework last November."[5]

Supervisor1 testified that "all telework was halted effective February 19, 2021, due to an Unfair Labor Practice (ULP) complaint filed" and "[a]ll staff were required to return to full duty and telework could no longer be authorized." The Deputy to the Garrison Commander confirmed that as "part of the corrective action associated with the union ULP, all employees were required to end their telework and return to work in the offices." Complainant testified that she was "not aware of anyone else teleworking prior to COVID-19" and that "[w]e were not given the opportunity to telework until the COVID-19 pandemic surfaced."

Both HR Director and the command's Disability Program Manager testified that HR Director had not approved any requests to telework as a reasonable accommodation during the period from February 22, 2019 to February 22, 2021. HR Director had never approved a telework request until March 2020, when it was implemented as a result of the pandemic. The command's Disability Program Manager testified that Complainant had not submitted any request to telework as a reasonable accommodation during the period from February 22, 2019, to April 26, 2021. Supervisor1 testified that in the two-year period preceding February 22, 2021, no other requests for short-term telework due to injury or illness had been made or approved, and the only telework within the division was related to COVID-19.

[5] This directive was preceded by a similar effort to resume in-person work for "all staff…regardless of team assignment" on February 8, 2021, that resulted in the issue with the Union.

On February 22, 2021, upon performing a "return to work evaluation" for "non-occupational injury/illness" for Complainant, the Fort Drum Occupational Health Clinic provided a notation of "recommend telework until [appointment] with PCM on 2/26/21." On February 22, 2021, Complainant brought the occupational health note to Supervisor1 in her office. Supervisor1 authorized Complainant to go home and telework that day while she "looked into the request."

On February 22-23, 2021, the EEO office (including the Disability Program Manager), Labor/Management Employee Relations Specialist, and Employment Law Counsel discussed with management the appropriate response given the ULP resolution arrived at the preceding week. On February 22, 2021, HR Director emailed Complainant to provide the documentation necessary to initiate a reasonable accommodation request on the basis that "it appears you are looking to file a Reasonable Accommodation" regarding the request to telework following the division-wide directive to return to the workplace. On February 22, 2021, Supervisor1 emailed Complainant to state that Occupational Health's recommendation was not sufficient to permit telework, but that she would need to take sick leave for days missed starting on February 23, 2021. On February 23, 2021, Complainant emailed HR Director to state that she was "on sick leave" but "was not seeking a reasonable accommodation." Complainant later testified that she "was not" seeking a reasonable accommodation regarding the request to telework. HR Director testified that after consultation with the Disability Program Manager, he made the decision not to permit Complainant to telework based on insufficient medical justification in the occupational health document. Complainant testified that she was permitted to telework on February 22, 2021, and permitted to utilize sick leave for the remaining four days of that week. Complainant testified that she "never requested to telework," but that the telework should have been granted because Occupational Health didn't recommend that she return to work instead of teleworking and another few days would not have impacted her work or mission in any manner.

When asked whether she believed race or participation in EEO activity were factors in the telework decision Complainant testified that it was a form of "retaliation" since she "had never had an issue with management denying anything [she] requested prior to filing [the instant] complaint." HR Director stated that only one employee in the Directorate, Human Resources was authorized telework for injury or illness, as part of a reasonable accommodation granted in 2015 under one of his predecessors.

At the conclusion of the investigation, the Agency provided Complainant with a copy of the report of investigation and notice of her right to request a hearing before an AJ. Complainant timely requested a hearing. Over Complainant's objections, the AJ assigned to the case granted the Agency's motion and issued a summary judgment decision in favor of the Agency.

In the decision, the AJ determined that the Agency articulated legitimate, nondiscriminatory reasons for its actions. Specifically, regarding claim (1), the AJ found that the Agency's selection was made based solely on the qualifications of the applicants as demonstrated through their resumes and interviews. The AJ determined that there was no evidence in the record indicating that Agency officials made the decision not to interview or select Complainant because of her race or prior EEO activity. First, Complainant declined invitations to interview for the position. Second, the record showed that Complainant ultimately was not qualified for the position, and that Selectee clearly was more qualified than Complainant based on Selectee's experience related to the position at issue. Thus, Complainant could not show that her qualifications were so plainly superior to the candidate selected as to show pretext.

As to claim (2), the AJ determined that the record was not clear that Complainant requested that she be permitted to telework as a reasonable accommodation. Complainant received an assessment from the Occupational Health Clinic suggesting that she telework until she had a medical appointment. Management followed up by informing her that the assessment was insufficient to support telework and offered to provide her with the forms required to request a reasonable accommodation. Complainant admittedly declined to request a reasonable accommodation and took sick leave for the few days leading up to her subsequent medical appointment. At the time of this incident, all telework had been suspended and all employees were required to report to the office.

The AJ concluded that Complainant failed to show that the Agency's reasons for its actions were pretextual. As a result, the AJ found that Complainant was not subjected to discrimination or reprisal as alleged.

The Agency subsequently issued a final order fully adopting the AJ's decision.

CONTENTIONS ON APPEAL

Complainant generally restates assertions raised in her testimony and opposition to the Agency's motion for summary judgment. Accordingly, Complainant requests that the Commission reverse the final order.

As this is an appeal from a decision issued without a hearing, the Agency's decision is subject to de novo review by the Commission. 29 C.F.R. § 1614.405(a). See Equal Employment Opportunity Management Directive for 29 C.F.R. Part 1614, at Chapter 9, § VI.A. (Aug. 5, 2015) (explaining that the de novo standard of review "requires that the Commission examine the record without regard to the factual and legal determinations of the previous decision maker," and that EEOC "review the documents, statements, and testimony of record, including any timely and relevant submissions of the parties, and . . . issue its decision based on the Commission's own assessment of the record and its interpretation of the law").

The Commission's regulations allow an AJ to grant summary judgment when he or she finds that there is no genuine issue of material fact. 29 C.F.R. § 1614.109(g). An issue of fact is "genuine" if the evidence is such that a reasonable fact finder could find in favor of the non-moving party. Celotex v. Catrett, 477 U.S. 317, 322-23 (1986); Oliver v. Digital Equip. Corp., 846 F.2d 103, 105 (1st Cir. 1988). A fact is "material" if it has the potential to affect the outcome of the case. In rendering this appellate decision, we must scrutinize the AJ's legal and factual conclusions, and the Agency's final order adopting them, *de novo*. See 29 C.F.R. § 1614.405(a)(stating that a "decision on an appeal from an Agency's final action shall be based on a *de novo* review…"); see also Equal Employment Opportunity Management Directive for 29 C.F.R. Part 1614 (EEO MD-110), at Chap. 9, § VI.B. (Aug. 5, 2015) (providing that an administrative judge's determination to issue a decision without a hearing, and the decision itself, will both be reviewed *de novo*).

ANALYSIS

In order to successfully oppose a decision by summary judgment, a complainant must identify, with specificity, facts in dispute either within the record or by producing further supporting evidence and must further establish that such facts are material under applicable law.

Such a dispute would indicate that a hearing is necessary to produce evidence to support a finding that the Agency was motivated by discriminatory or retaliatory animus. Here, however, Complainant has failed to establish such a dispute. Even construing any inferences raised by the undisputed facts in favor of Complainant, a reasonable fact-finder could not find in Complainant's favor.

Disparate Treatment – Claim (1)

To prevail in a disparate treatment claim, Complainant must satisfy the three-part evidentiary scheme fashioned by the Supreme Court in McDonnell Douglas Corp. v. Green, 411 U.S. 792 (1973). Complainant must initially establish a prima facie case by demonstrating that she was subjected to an adverse employment action under circumstances that would support an inference of discrimination. Furnco Constr. Corp. v. Waters, 438 U.S. 567, 576 (1978). Proof of a prima facie case will vary depending on the facts of the particular case. McDonnell Douglas, 411 U.S. at 804 n.14. The burden then shifts to the Agency to articulate a legitimate, nondiscriminatory reason for its actions. Tex. Dep't of Cmty. Affairs v. Burdine, 450 U.S. 248, 253 (1981). To ultimately prevail, Complainant must prove, by a preponderance of the evidence, that the Agency's explanation is pretextual. Reeves v. Sanderson Plumbing Prods., Inc., 530 U.S. 133, 120 S. Ct. 2097 (2000); St. Mary's Honor Ctr. v. Hicks, 509 U.S. 502, 519 (1993).

To establish a prima facie case of discrimination, a complainant must show that: (1) she is a member of a protected group; (2) she suffered an adverse employment action; and (3) the circumstances give rise to an inference of discrimination. We note that, although a complainant bears the burden of establishing a "prima facie" case, Tex. Dep't of Cmty. Affairs v. Burdine, 450 U.S. 248, 252-53 (1981), the requirements are "minimal," St. Mary's Honor Ctr. v. Hicks, 509 U.S. 502, 506 (1993), and complainant's burden is "not onerous." Burdine, 450 U.S. at 253.

Complainant may establish a prima facie case of reprisal by showing that she (1) engaged in a protected activity; (2) the Agency was aware of her protected activity; (3) Complainant was subjected to adverse treatment by the Agency; and (4) a nexus exists between the protected activity and the adverse action. Whitmire v. Dep't of the Air Force, EEOC Appeal No. 01A00340 (Sept. 25, 2010).

Complainant is a member of the protected classes at issue, and ultimately was denied the position at issue, which was filled by someone outside of her protected classes. Thus, the ultimate question concerns whether the Agency's decision not to interview or select Complainant was influenced by Complainant's protected classes.

Here, we agree with the AJ that the record establishes that the Agency's selection was made based solely on the qualifications of the applicants as demonstrated through their resumes and interviews. In addition, the undisputed record shows that Complainant declined invitations to interview for the position. The Agency originally chose Selectee for the position but had to withdraw the job offer because it did not follow Agency procedures requiring interviews of the candidates. After the withdrawal, all applicants were offered interviews. Complainant declined the interview offer and asserts that the Agency pre-selected Selectee. Pre-selection is not evidence of discrimination in the absence of other supporting evidence. Additionally, the record shows that Selectee was more qualified than Complainant based on Selectee's experience related to the position at issue. Thus, Complainant cannot show that her qualifications were so plainly superior to the candidate selected as required by the Supreme Court's standard.

"Ultimately, the agency has broad discretion to set policies and carry out personnel decisions and should not be second-guessed by the reviewing authority absent evidence of unlawful motivation." Lucero v. Social Security Admin., EEOC Appeal No. 0120102606 (Jan. 10, 2011) (citing Dep't of Cmty. Affairs v. Burdine, 450 U.S. 248, 259 (1981). It is also well-settled that an employer has even greater flexibility in choosing a management-level employee, as is true in the instant case with the supervisor position, because of the nature of such a position. Ackerman v. Diamond Shamrock Corp., 670 F.2d 66, 70 (6th Cir.1982). See also Manson v. Continental Illinois National Bank, 704 F.2d 361 (7th Cir.1983); Loeb v. Textron, Inc., 600 F.2d 1003 (1st Cir.1979).

In this case, Selectee had attributes that justified her selection, and management officials stated that they believed Selectee was better equipped to meet the Agency's needs. We find that Complainant failed to present any persuasive evidence establishing that the Agency's selection or the selection process were tainted by discriminatory or retaliatory animus.

Hostile Work Environment – Claim (2)

As to claim (2), Complainant also alleges that she was subjected to a hostile work environment when she was not permitted to telework based on her race and prior EEO activity. The Agency asserts that Complainant did not provide sufficient medical information to justify teleworking and that telework in general had been ended for all employees.

In order to establish a prima facie case of harassment, Complainant must prove, by a preponderance of the evidence, the existence of five elements: (1) that she is a member of a statutorily protected class; (2) that she was subjected to unwelcome conduct related to her protected class; (3) that the harassment complained of was based on her protected class; (4) that the harassment had the purpose or effect of unreasonably interfering with her work performance and/or creating an intimidating, hostile, or offensive work environment; and (5) that there is a basis for imputing liability to the employer. See Celine B. v. Dep't of Navy, EEOC Appeal No. 2019001961 (Sept. 21, 2020); Humphrey v. U.S. Postal Serv., EEOC Appeal No. 01965238 (Oct. 16, 1998). See also Henson v. City of Dundee, 682 F.2d 897 (11th Cir. 1982); Flowers v. Southern Reg'l Physician Serv. Inc., 247 F.3d 229 (5th Cir. 2001). The harasser's conduct should be evaluated from the objective viewpoint of a reasonable person in the victim's circumstances. Enforcement Guidance on Harassment in the Workplace, EEOC Notice No. 915.064 (April 29, 2024).

In other words, to prove her hostile work environment claim, Complainant must establish that she was subjected to conduct that was either so severe or so pervasive that a "reasonable person" in Complainant's position would have found the conduct to be hostile or abusive. Complainant must also prove that the conduct was taken because of a protected basis; in this case, her race or prior EEO activity. Only if Complainant establishes both of those elements – hostility and motive – will the question of Agency liability present itself.

In this case, we find that the totality of the alleged conduct was not sufficiently severe or pervasive to establish a hostile work environment. Even assuming that the alleged conduct was sufficiently severe or pervasive to create a hostile work environment, the Commission finds that Complainant failed to show that the Agency's actions were based on discriminatory or retaliatory animus. The record reflects that the alleged incidents were more likely the result of routine supervision and general workplace disputes and tribulations as more fully discussed above.

Moreover, to the extent that Complainant is alleging disparate treatment regarding her claims, Complainant has not proffered any evidence demonstrating that the Agency's explanation for its actions was pretext for discrimination or reprisal. Accordingly, the Commission finds that Complainant was not subjected to discrimination, reprisal, or a hostile work environment as alleged.

CONCLUSION

Based on a thorough review of the record and the contentions on appeal, including those not specifically addressed herein, we AFFIRM the Agency's final order.

STATEMENT OF RIGHTS - ON APPEAL
RECONSIDERATION (M0124.1)

The Commission may, in its discretion, reconsider this appellate decision if Complainant or the Agency submits a written request that contains arguments or evidence that 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 for reconsideration must be filed with EEOC's Office of Federal Operations (OFO) **within thirty (30) calendar days** of receipt of this decision. If the party requesting reconsideration elects to file a statement or brief in support of the request, **that statement or brief must be filed together with the request for reconsideration**. A party shall have **twenty (20) calendar days** from receipt of another party's request for reconsideration within 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).

Complainant should submit their request for reconsideration, and any statement or brief in support of their request, via the EEOC Public Portal, which can be found at https://publicportal.eeoc.gov/Portal/Login.aspx. Alternatively, Complainant can submit their request and arguments to the Director, Office of Federal Operations, Equal Employment Opportunity Commission, via regular mail addressed to P.O. Box 77960, Washington, DC 20013, or by certified mail addressed to 131 M Street, NE, Washington, DC 20507. In the absence of a legible postmark, a complainant's request to reconsider shall be deemed timely filed if OFO receives it by mail within five days of the expiration of the applicable filing period. See 29 C.F.R. § 1614.604.

An agency's request for reconsideration must be submitted in digital format via the EEOC's Federal Sector EEO Portal (FedSEP). See 29 C.F.R. § 1614.403(g). Either party's request and/or statement or brief in opposition must also include proof of service on the other party, unless Complainant files their request via the EEOC Public Portal, in which case no proof of service is required.

Failure to file within the 30-day time period will result in dismissal of the party's request for reconsideration as untimely, unless extenuating circumstances prevented the timely filing of the request. **Any supporting documentation must be submitted together with the 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(f).

COMPLAINANT'S RIGHT TO FILE A CIVIL ACTION (S0124)

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. 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 their 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:

Carlton M. Hadden, Director
Office of Federal Operations

December 18, 2024
Date