



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**

**Office of Federal Operations**

**P.O. Box 77960**

**Washington, DC 20013**

Eric G. Rendler a/k/a

Trent M.,<sup>1</sup>

Complainant,

v.

Lloyd J. Austin III,

Secretary,

Department of Defense

(Defense Contract Management Agency),

Agency.

Appeal No. 2022005108

Hearing No. 480-2021-00653X

Agency No. P8-20-0043

**DECISION**

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 final action concerning his equal employment opportunity (EEO) complaint alleging employment discrimination in violation of Section 501 of the Rehabilitation Act of 1973 (Rehabilitation Act), as amended, 29 U.S.C. § 791 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, we AFFIRM the Agency's final action.

**ISSUES PRESENTED**

The issues presented are: (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; and (2) whether Complainant has

---

<sup>1</sup> 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.

shown by a preponderance of the evidence that the Agency subjected him to discrimination based on age (over 40) and disability (physical) when he was terminated during his probationary period and subjected to other acts of discrimination.

### BACKGROUND

At the time of events giving rise to this complaint, Complainant worked as a Quality Assurance Specialist, GS-11, at the Defense Contract Management Agency (DCMA) Stockton in Stockton, California. On August 6, 2018, Complainant was appointed to the position, subject to a two-year probationary period. Complainant's first, second, and third-line supervisors were the Quality Assurance Team Supervisor, Quality Assurance Field Operations Manager, and Contract Management Director, respectively. See Report of Investigation (ROI) at 111, 154, 166, 181.

On July 28, 2020, Complainant filed an EEO complaint alleging that the Agency discriminated against him on the bases of disability (physical) and age (over 40) when:

1. In June 2019, the Quality Assurance Team Supervisor failed to take action when she witnessed an argument between Complainant and a co-worker.
2. In July 2019, the Quality Assurance Team Supervisor directed the Complainant to email her each day when he arrived, took his lunch break, and left the office.
3. On November 25, 2019, the Quality Assurance Team Supervisor failed to take action when Complainant was verbally attacked by a co-worker at the office Thanksgiving potluck luncheon.
4. On March 11, 2020, the Quality Assurance Field Operations Manager threatened Complainant and accused him of violating the Hatch Act during a team meeting.
5. On a date not provided, the Quality Assurance Team Supervisor counseled him about adhering to an approved schedule and grooming himself in his workspace.

6. On May 5, 2020, the Quality Assurance Team Supervisor terminated Complainant during his probationary period.

The investigation into the complaint revealed that Complainant had a perceived hearing disability, which caused him to elevate his voice to communicate effectively. Complainant alleged his disability was the result of numerous ear infections as a child but acknowledged his disability had no impact on his ability to perform his duties. Complainant provided no medical documentation to support his disability. ROI at 144, 146-147, 157.

As to Complainant's perceived disability, the Quality Assurance Team Supervisor conceded that Complainant mentioned his voice became louder when he got excited. Still, in the instances when he came to her yelling about other employees, she told him to lower his voice so they could engage in a conversation, and he immediately lowered his voice. She indicated that Complainant may have shared that he had ear infections as a child, but she believed that it did not relate to his loud talking. ROI at 156.

Management denied treating Complainant differently than other employees. Management was unaware of Complainant's exact age but perceived that he was more than 50 years old based on his job history. ROI at 153-154, 165-166. Complainant's supervisors and co-workers were all over 40 years old. ROI at 153, 165, 190, 199, 205, 212, 219.

### *Claim 1*

In June 2019, Complainant alleged that the Quality Assurance Team Supervisor failed to take action when she witnessed an argument between Complainant and the Quality Assurance Specialist regarding contractor appointments. Complainant believed the Quality Assurance Team Supervisor treated the Quality Assurance Specialist more favorably because he was a retired Air Force Veteran and served on her interview team. ROI at 146.

The Quality Assurance Team Supervisor denied treating the Quality Assurance Specialist more favorably due to his status as an Air Force Veteran and interview panel member. She noted that the Quality Assurance Specialist was one of many staff members who sat on her interview panel and was replaced with new panel members. ROI at 156. Following the argument between Complainant and the Quality Assurance Specialist, she met with them and discussed their need to work as a team, and how to properly communicate their differences. No disciplinary action was taken against them since this was the first occurrence. ROI at 158.

*Claim 2*

During July 2019, Complainant stated the Quality Assurance Team Supervisor directed him to email her when he arrived, took lunch breaks, and left the office, while other employees were not required to provide her their status.

The Quality Assurance Team Supervisor explained that the reporting status became mandatory for all employees who teleworked after Complainant began abusing maxi-flex time by coming in after core hours, exceeding his scheduled 30-minute lunch breaks, and not presenting the actual time on his time cards. She repeatedly informed Complainant of duty hour and break policies, he improved for a while, but later reverted to violating the policies. ROI at 159.

*Claim 3*

Complainant asserted that on November 25, 2019, the Quality Assurance Team Supervisor failed to take action when he was verbally attacked by a co-worker. During the office Thanksgiving potluck luncheon Complainant indicated that the Quality Assurance Team Supervisor asked him to take her dish to the conference room and place cardboard on the new office table to protect it from spills. Complainant used cardboard which had visible oil stains from an office machine repair. The Lead Quality Assurance Specialist stated “[d]on’t use the same dirty cardboard used on the floor during the paper shredder repair!” ROI at 149. According to the Lead Quality Assurance Specialist, Complainant’s response was so angry and disproportionate that it was unsettling. ROI at 214. Complainant then stormed into the Quality Assurance Team Supervisor’s office yelling and told her that she needed to control her girls. After receiving a written account of the incident, the Quality Assurance Team Supervisor did not believe Complainant was verbally attacked, but instead overacted to his co-worker’s comment. ROI at 159.

*Claim 4*

On March 11, 2020, Complainant alleged that the Quality Assurance Field Operations Manager threatened him and accused him of violating the Hatch Act during a team meeting. Complainant argued the Quality Assurance Field Operations Manager treated the Quality Assurance Specialist more favorably because he was a retired Air Force Crew Chief and they were “friends” who worked together on helicopters assisting with Border Patrol near Mexico. ROI at 146, 149-150.

According to the Quality Assurance Field Operations Manager, before team training, the Quality Assurance Specialist expressed his satisfaction with President Trump's nomination of General Charles Q. Brown as the first African American Chief of Staff of the U.S. Air Force. His comments were not considered political in nature and permissible under the Hatch Act. However, once the training segment on COVID-19 began, Complainant became agitated and loudly claimed that many people used COVID-19 to damage the economy and hurt President Trump's re-election bid.

Following Complainant's loud outbursts concerning politics, several team members attempted to get him back on track, lower his voice, and calm down. The Quality Assurance Field Operations Manager warned Complainant that he was close to violating the Hatch Act with his political rant. Complainant responded that he was not a child and could not be told what to do. The Quality Assurance Field Operations Manager considered his behavior angry, disrespectful, and insubordinate. Team members were so shocked and frightened that one of them had to leave the room. ROI at 172-173.

#### *Claims 5 and 6*

The Quality Assurance Team Supervisor explained that she decided to terminate Complainant because of his continued noncompliance with agency requirements, disruptions in the office, loud outbursts, and arguments that frightened other employees. Prior to his termination, Complainant was given several verbal and written warnings and informed of free counseling to address his behavior, but his conduct never improved. ROI at 155. She provided the following examples of Complainant's misconduct.

On June 25, 2019, management issued a verbal counseling, documented in a Memo for Record (MFR), regarding Complainant's misuse of maxi-flex schedule. On several occasions, Complainant arrived after core hours and exceeded 30-minute lunch breaks without informing management. Further, Complainant only changed his timecard to reflect the hours he actually worked when the Quality Assurance Team Supervisor brought it to his attention. ROI at 35.

On September 25, 2019, management issued Complainant a verbal counseling, documented in an MFR, concerning Complainant changing clothes, shaving, and brushing his teeth in his cubicle. Management advised Complainant that shaving, brushing his teeth, personal grooming and hygiene activities were inappropriate for the workplace.

The restroom was a suitable place for those activities and several restrooms were conveniently located in the building. ROI at 33.

On February 6, 2020, management issued a verbal counseling, documented in an MFR, about Complainant repeatedly chaining his bike to the building stairway, in violation of the leasing office requirements. Management offered Complainant the option of storing his bicycle in the storage room or locking it outside. ROI at 32.

Complainant, however, denied that he was disruptive in the workplace and emphasized that he was never warned that he could be terminated. Furthermore, Complainant alleged that he was treated less favorably than the Quality Assurance Specialist who was not terminated despite starting an argument with him about contractors. Furthermore, Complainant alleged that management allowed the Quality Assurance Specialist to speak positively about President Trump selecting the first African American to be the next Chief of Staff. ROI at 145-146.

#### *Post Investigation*

At the conclusion of the investigation, the Agency provided Complainant with a copy of the ROI and notice of his right to request a hearing before an Equal Employment Opportunity Commission Administrative Judge (AJ). Complainant timely requested a hearing. On June 8, 2022, the AJ notified the parties of his intent to issue a decision without a hearing, as the probative record failed to persuasively show that the Agency subjected Complainant to discrimination. The parties subsequently submitted their respective responses. Over Complainant's objections, the AJ issued a decision without a hearing in favor of the Agency on August 30, 2022.

When the Agency failed to issue a final order within 40 days of receipt of the AJ's decision, the AJ's decision finding that Complainant failed to prove that the Agency subjected him to discrimination as alleged became the Agency's final action pursuant to 29 C.F.R. § 1614.109(i). The Agency subsequently issued a final order on March 15, 2023, but inadvertently mailed it to an incorrect address. On March 20, 2023, the Agency emailed its final order to Complainant's email address of record. The instant appeal followed on August 29, 2023.

### CONTENTIONS ON APPEAL

On appeal, Complainant alleges that the Agency sent the final decision to an incorrect address. He insists that his appeal is timely because he did not receive the Agency's email until August 6, 2023, and timely filed his appeal on August 29, 2023. As for the merits of his appeal, Complainant attempts to rationalize his actions and contends that the AJ erred in granting summary judgment as there were genuine issues of material fact in dispute that can only be resolved at a hearing.

The Agency opposes the appeal and asserts the appeal is untimely. While the Agency concedes that it mailed the final order to an incorrect address, the Agency emphasizes that it emailed the final decision to the Complainant's correct email address. However, Complainant failed to timely file his appeal. In the alternative, the Agency requests that we affirm its final order, as Complainant failed to prove his allegations of discrimination.

### STANDARD OF REVIEW

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

#### *Preliminary Matters – Timeliness of Appeal*

As an initial matter, we will address the timeliness of Complainant's appeal. While the Agency argues that Complainant filed his appeal in an untimely manner, we note that the AJ issued his decision on August 30, 2022. Under our regulations, when an agency fails to issue a final order within 40 days of the AJ's decision, the AJ's decision becomes, by operation of law, the Agency's final action at the conclusion of the 40-day period, notwithstanding its subsequent untimely issued final order. 29 C.F.R. § 1614.109(i). We note that the Commission has held there is no regulatory provision that sets a specific time limitation for filing an appeal in circumstances such as this wherein an AJ's decision becomes final by operation of 29 C.F.R. § 1614.109(i). See Armand C. v. Dep't of Def., EEOC Appeal No. 2020004406 (Dec. 13, 2021), citing Avery S. v. Dep't of the Treas., EEOC Request No. 2020000221 (Jan. 22, 2020).

Rather, the time for Complainant to file an appeal in this instance is governed by the doctrine of laches -- "an equitable remedy under which an individual's failure to diligently pursue their actions can bar their claims." O'Dell v. Dep't of Health and Human Serv., EEOC Request No. 05901130 (Dec. 27, 1990). However, in this case, we note that the Agency never raised the doctrine of laches as a defense. As such, we find the appeal to be ripe for adjudication.

#### *Summary Judgment*

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 animus. While Complainant attempts to rationalize his actions on appeal, we find that Complainant's explanations are insufficient to establish such a dispute. Furthermore, we note that the Commission's regulations afford its AJs broad discretion over the hearing process. Trina C. v. U.S. Postal Serv., EEOC Appeal No. 0120142617 (Sept. 13, 2016), citing Kenyatta S. v. Dep't of Justice, EEOC Appeal No. 0720150016, n.3 (June 2, 2016) (responsibility for adjudicating complaints

pursuant to 29 C.F.R. § 1614.109(e) gives AJs wide latitude in directing terms, conduct, and course of administrative hearings before EEOC). We ultimately find that the AJ did not abuse his discretion in issuing a decision without a hearing in favor of the Agency. Even construing any inferences raised by the undisputed facts in favor of Complainant, a reasonable factfinder could not find in Complainant's favor.

### *Disparate Treatment*

A claim of disparate treatment is examined under the three-part analysis first enunciated in McDonnell Douglas Corporation v. Green, 411 U.S. 792 (1973). For a complainant to prevail, they must first establish a prima facie case of discrimination by presenting facts that, if unexplained, reasonably give rise to an inference of discrimination, i.e., that a prohibited consideration was a factor in the adverse employment action. See McDonnell Douglas, 411 U.S. at 802; Furnco Construction Corp. v. Waters, 438 U.S. 567 (1978). The burden then shifts to the Agency to articulate a legitimate, nondiscriminatory reason for its actions. Texas Dep't of Cmty. Affairs v. Burdine, 450 U.S. 248, 253 (1981).

In order to establish a prima facie case of discrimination based on age, a complainant must show: (1) they are a member of a protected group; (2) they were subjected to an adverse employment action; and (3) that they were treated less favorably than other similarly situated employees outside of their protected groups. We note that, although a complainant bears the burden of establishing a "prima facie" case, Texas 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.

To establish a prima case of disparate treatment discrimination based on disability, a complainant generally must prove the following elements: (1) they are an individual with a disability as defined in 29 C.F.R. §§ 1614.203(a) and 1630.2(g); (2) they are "qualified" as defined in 29 C.F.R. § 1614.203(a) and 1630.2(m); (3) the agency took an adverse action against them; and (4) there was a causal relationship between their disability and the agency's actions. See Annamarie F. v. Dep't of the Air Force, EEOC Appeal No. 2021004539 (August 17, 2023).

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).

Once the Agency has met its burden, Complainant bears the ultimate responsibility to persuade the fact finder by a preponderance of the evidence that the Agency acted on the basis of a prohibited reason. St. Mary's Honor Ctr. v. Hicks, 509 U.S. 502 (1993).

At the outset, we find that Complainant failed to establish a prima facie case of discrimination based on age and disability, as he did not persuasively establish a causal nexus between his protected classes and the adverse employment actions at issue. Nevertheless, we find that the Agency articulated legitimate, nondiscriminatory reasons for its actions.

With respect to Claims 2, 5, and 6, the record shows that during his probationary period, Complainant engaged in repeated misconduct, such as abusing his maxi-flex schedule, grooming himself/changing his clothes at his cubicle, and violating the office building regulations by chaining his bike to the stairway. Due to Complainant's misconduct, the Quality Assurance Team Supervisor verbally counseled Complainant and directed him to regularly report his status. However, when Complainant failed to improve, the Quality Assurance Team Supervisor terminated Complainant during his probationary period.

Without proof of a demonstrably discriminatory motive, the Commission will not generally second-guess the Agency's personnel decisions, such as disciplinary actions. See Chavez v. U.S. Postal Serv., EEOC Appeal No. 0120055246 (Jan. 5, 2007); see also Carson v. Bethlehem Steel Corp., 82 F.3d 157, 159 (7<sup>th</sup> Cir. 1982) (noting that "the question is not whether the employer made the best, or even a sound, business decision; it is whether the real reason [was discriminatory]").

We ultimately find no evidence that Complainant's protected classes were a factor. At all times, the ultimate burden remains with Complainant to demonstrate by a preponderance of the evidence that the Agency's reasons were not the real reasons and that the Agency acted based on discriminatory animus. While Complainant alleges that management treated him less favorably than his co-workers, we find that he was not similarly situated to them, as the probative record does not persuasively show that his co-workers engaged in similar misconduct as him. Furthermore, we note that agencies have the broadest discretion when terminating probationary employees. Odell H. v. Dep't of Com., EEOC Appeal No. 0120181905 (July 16, 2019).

Aside from conclusory statements, Complainant has not provided any evidence connecting the alleged incidents with his protected classes. Based on the record, we concur with the AJ that Complainant has not met his burden of proving that he was discriminated against as alleged.

### *Harassment*

As an initial matter, we find that a finding of harassment on claims 2, 5, and 6 is precluded by our determination that Complainant did not establish that the alleged actions were motivated by his protected classes. See Oakley v. U.S. Postal Serv., EEOC Appeal No. 01982923 (Sept. 21, 2000). We therefore limit our review to claims 1, 3, and 4.

In order to establish a prima case of harassment, a complainant must prove, by a preponderance of the evidence that: (1) they are a member of a statutorily protected class; (2) they were subjected to unwelcome conduct related to their protected class; (3) the harassment complained of was based on their protected class; (4) the harassment had the purpose or effect of unreasonably interfering with their work performance and/or creating an intimidating, hostile, or offensive work environment; and (5) 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.) See Enforcement Guidance on Harassment in the Workplace, EEOC Notice No. 915.064 (April 29, 2024).

For claims 1 and 3, even if we assume that the alleged incidents occurred in the manner described, we still find that they were not sufficiently severe or pervasive to amount to a hostile work environment. We note that anti-discrimination laws are not civility codes. Shealey v. Equal Emp't Opp. Comm'n, EEOC Appeal No. 0120070356 (Apr. 18, 2011) (noting petty slights and simple lack of good manners, alone, do not constitute discrimination). Complainant's subjective belief of discriminatory animus, alone, is not sufficient to establish that alleged incidents were motivated by discriminatory animus.

As for Complainant's allegations in claim 4, while Complainant alleges that the Quality Assurance Field Operations Manager subjected him to harassment when the Quality Assurance Field Operations Manager accused him of violating the Hatch Act during a team meeting, we note that the Commission has long held that ordinary exercise of managerial authority and discretion does not constitute harassment. Erika H. v. Dep't of Transp., EEOC Appeal No. 0120151781 (June 16, 2017). We find that the Quality Assurance Field Operations Manager acted well within the bounds of managerial authority and discretion in warning Complainant that he risked violating the Hatch Act with his comments accusing people of attempting to harm President Trump's re-election bid. Ultimately, we find no persuasive evidence that Complainant was subjected to an actionable hostile work environment.

### 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 action.

### 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 16, 2024  
Date