



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

[REDACTED]  
Glinda M.,<sup>1</sup>  
Complainant,

v.

Mark Averill,  
Acting Secretary,  
Department of the Army,  
Agency.

Appeal No. 2023004292

Agency No. ARANAD22SEP03541

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 August 9, 2023, final decision 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 decision.

ISSUE PRESENTED

The issue presented is whether the Agency properly found that Complainant did not establish discrimination or harassment as alleged.

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<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.

### BACKGROUND

At the time of events giving rise to this complaint, Complainant worked as a Supply Technician at the Agency's Anniston Army Depot in Anniston, Alabama.

On November 2, 2022, Complainant filed an EEO complaint alleging that the Agency subjected her to discrimination and harassment on the bases of race (African American), sex (female), and color (Black), and in reprisal for prior protected EEO activity, by the Director and Complainant's former supervisor ("Supervisor") when:

1. on or about August 8, 2022, the Supervisor gave Complainant a memorandum proposing to suspend her, without pay, for five (5) workdays for Failure to Follow Instructions. Complainant feels that she received the proposed suspension because of the EEO complaints filed against him;
2. on or about August 11, 2022, Complainant was given a memorandum stating that a final decision determined that her complaint did not meet the definition of harassment and did not meet the requirements of the Civilian Harassment Intervention Program (CHIP);
3. on or about August 18, 2022, the Director gave Complainant a memorandum that detailed recommendations from an Army Regulation 15-6 ("AR 15-6") investigation, in which he directed her to complete and turn in the Certificates of Completion for the listed training by September 30, 2022. Receiving the recommendation made Complainant feel harassed; and
4. on or about September 13, 2022, Complainant was given a Proposed Suspension – Final Decision, suspending her without pay for five (5) workdays.

The EEO investigation revealed that on August 8, 2022, the Supervisor issued Complainant a proposed suspension for five (5) calendar days for Failing to Follow Instructions. The notice included approximately fifteen incidents when Complainant failed to follow the Supervisor's instructions. For example, Complainant was instructed to use the In/Out Board to display her time away from the Warehouse and her expected return, and she failed to use the board. Complainant was also instructed to provide advance notice of her absences, but on March 2, 2022, she sent an email at 9:28 a.m., stating that she had a 9:30 a.m. appointment, and later stated that the meeting was changed to 1:30 p.m.

As a result, the Supervisor had to shut down the Warehouse. Complainant also failed to follow instructions by not providing a reason for her absences and the type of leave she was requesting when she texted, "not coming in" on eleven occasions. The Supervisor noted that Complainant previously received discipline, including a Letter of Counseling on February 25, 2022, related to her usage of the In/Out Board. Report of Investigation (ROI) at 120-6. Complainant went to CHIP to stop the proposed suspension. ROI at 479.

On August 11, 2022, the Commander sent Complainant a memorandum regarding her CHIP complaint. He explained that her allegation did not meet the definition of harassment, and therefore, it did not meet the requirements of the CHIP program. Harassment was defined as the singling out of an employee for mistreatment, or other inappropriate or unwanted behavior, based on a non-work-related factor. Complainant was informed that the proposed suspension contained the appropriate avenue to challenge the action, and the CHIP investigation was closed. ROI at 23-4.

Complainant filed an internal complaint alleging a hostile work environment. The Commander appointed an Investigating Officer to conduct an AR 15-6 inquiry. The Investigating Officer submitted her findings that Complainant's allegations were not substantiated. For example, she complained of a lack of notice on a leave/attendance policy. However, Complainant previously received progressive discipline for her tardiness. Witnesses reported her arriving late; leaving early; and taking extended lunches. An investigation that included reviewing surveillance footage verified the allegations of Complainant's absence without leave (AWOL). The Investigating Officer noted Complainant's credibility issues, such as her claim that no counseling was given, but her own statement described a meeting when the Supervisor expressed concerns over Complainant's tardiness. Further, there was no evidence to show that the Supervisor did anything inappropriate or outside of his supervisory duties. The Investigating Officer recommended training, such as conflict resolution, to benefit the working relationship between Complainant and the Supervisor. ROI at 938-55.

Based on the recommendations from the AR 15-6 investigation, on or about August 18, 2022, the Director instructed Complainant to submit Certificates of Completion for four trainings by September 30, 2022, for (1) Effective Communication; (2) Email Communication; (3) Conflict Resolution; and (4) Critical Thinking. ROI at 458.

On September 13, 2022, the Director issued a Final Decision on the proposed suspension. He noted that Complainant did not reply to the proposal. The Director found that charges were sustained, and the 5-day suspension would promote the efficiency of federal service. The Director explained that employees are responsible for following instructions and that Complainant's offense was very serious, considering the clear notice given to Complainant that this type of misconduct would not be tolerated from the prior letters of counseling and reprimand. ROI at 127-9.

At the conclusion of the investigation, the Agency provided Complainant with a copy of the (ROI) and notice of her right to request a hearing before an EEOC Administrative Judge. In accordance with Complainant's request, the Agency issued a final decision pursuant to 29 C.F.R. § 1614.110(b).

The Agency found that management officials provided legitimate, nondiscriminatory reasons for the suspension with multiple instances of failure to follow instructions. Complainant did not proffer evidence that the Agency's explanations were discriminatory or harassing. The Agency also determined that Complainant's claims regarding the notice that CHIP was not the appropriate avenue for her complaint and the ordered training following the recommendations from the AR 15-6 investigation did not render her aggrieved. The Agency concluded that Complainant failed to prove that she was subjected to discrimination or harassment as alleged.

The instant appeal followed.

#### CONTENTIONS ON APPEAL

Complainant states that she is appealing the decisions for two cases,<sup>2</sup> and that she provided evidence for both complaints. For the claims in the instant complaint, she argues that management retaliated against her when it proposed her suspension with "no factual documentation." She disputes that she did not respond to the proposal and asserts that there was a meeting on August 19, 2022, during which she showed that she was on leave for missing two hours.

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<sup>2</sup> Complainant states that she is also appealing Agency Case Number ARANAD21MAY01710. However, the Commission previously addressed this case in Lelah T. v. Department of the Army, EEOC Appeal Number 2023002335 (May 23, 2024); request for reconsideration denied, EEOC Request Number 2024003953 (September 25, 2024).

Complainant reiterates that she was subjected to retaliation when management declared that her complaint did not meet the definition of harassment, and when she was assigned to complete training following the AR 15-6 investigation. Complainant requests a settlement of \$250,500 for pain and suffering.

The Agency opposes Complainant's appeal. It reiterates the analysis and reasoning set out in the final decision that management officials proffered legitimate, nondiscriminatory reasons for the suspension, closing Complainant's CHIP complaint, and assigning training based on the results of the AR 15-6 investigation. Complainant did not show discriminatory animus or pretext for discrimination. The Agency requests that the Commission affirm its final decision.

Complainant filed a response to the Agency's opposition and uploaded various documents, including a request to amend her complaint.

#### STANDARD OF REVIEW

As this is an appeal from a decision issued without a hearing, pursuant to 29 C.F.R. § 1614.110(b), 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 (EEO MD-110), 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").

#### ANALYSIS

##### *New Documents on Appeal*

As a general rule, no new evidence will be considered on appeal unless there is an affirmative showing that the evidence was not reasonably available prior to or during the investigation. See id. at Chap. 9, § VI.A.3. Complainant has not provided arguments or evidence to show that these new materials were not available during the investigation, or any explanation as to why they were not provided to the investigator during the investigative stage.

For the sake of argument, we find that even if this evidence is considered on appeal, it does not alter our final disposition that Complainant failed to prove by a preponderance of the evidence that she was discriminated against.

Complainant also uploaded a response to the Agency's opposition brief and a request to amend her complaint. The Commission's regulations provide that "[a]ny statement or brief on behalf of a complainant in support of the appeal must be submitted to the Office of Federal Operations within 30 days of filing the notice of appeal." 29 C.F.R. §1614.403(d). In addition, the Commission does not generally allow parties to submit multiple briefs. See Joellyn L. v. Dep't of Justice, EEOC Appeal No 0120170274 (Apr. 5, 2019), citing 29 C.F.R. § 1614.403(d). For these reasons, we will only consider Complainant's initial appeal brief. To the extent that Complainant raises new claims that are not part of the instant case, she is advised to contact an EEO Counselor to initiate the administrative process.<sup>3</sup>

#### *Disparate Treatment (Claims 1 and 4)*

Generally, claims of disparate treatment are examined under the analysis first enunciated in McDonnell Douglas Corp. v. Green, 411 U.S. 792 (1973). Hochstadt v. Worcester Found. for Experimental Biology, Inc., 425 F. Supp. 318, 324 (D. Mass.), *aff'd*, 545 F.2d 222 (1st Cir. 1976). For Complainant to prevail, she 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. Furnco Constr. Corp. v. Waters, 438 U.S. 567 (1978); McDonnell Douglas, 411 U.S. at 802 n.13. Once Complainant has established a prima facie case, the burden then shifts to the Agency to articulate a legitimate, nondiscriminatory reason for its actions. Texas Dep't of Community Affairs v. Burdine, 450 U.S. 248, 253 (1981). If the Agency is successful, the burden reverts back to Complainant to demonstrate by a preponderance of the evidence that the Agency's reason(s) for its action was a pretext for discrimination. At all times, Complainant retains the burden of persuasion, and it is her obligation to show 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); U.S. Postal Service v. Aikens, 460 U.S. 711, 715-716 (1983).

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<sup>3</sup> Complainant uploaded her request to amend her complaint on January 23, 2025, and we advise the Agency to utilize this as her initial contact date for timeliness purposes.

Complainants may establish a prima facie case of discrimination by providing evidence that: (1) they are a member of a protected class; (2) they suffered an adverse employment action; and (3) either that similarly situated individuals outside their protected class were treated differently, or other circumstances surrounding the adverse employment action give rise to an inference of discrimination. McDonnell Douglas, 411 U.S. at 802 n.13; Reeves v. Sanderson Plumbing, 530 U.S. 133, 142 (2000); Bodett v. CoxCom, Inc., 366 F.3d 736, 743-44 (9th Cir.2004) (internal quotation marks omitted).

It is undisputed that Complainant belongs to protected categories based on her color, race, and sex, and that she was subjected to an adverse employment action when she was suspended. Complainant named two comparators outside of her protected classes who were not disciplined. However, one comparator allegedly had a complaint from a vendor and was not suspended, and we find that he was not similarly situated to Complainant. ROI at 484. Among other things, to be considered "similarly situated," the comparator must be similar in substantially all aspects, so that it would be expected that they would be treated in the same manner. See Grappone v. Dep't of the Navy, EEOC No. 01A10667 (Sept. 7, 2001), reconsideration denied, EEOC Request No. 05A20020 (Jan. 28, 2002). Receiving one complaint from a vendor was not a similar action such that it would be expected that he be treated in the same manner as Complainant.

Complainant named another Supply Technician (White, White, Male) who purportedly failed to capture his time on the In/Out Board; placed his equipment in his personal vehicle and drove off; and failed to provide 24-hour notice of his leave, and he was not disciplined. ROI at 799, 484. However, the Supervisor responded that the Supply Technician properly used the In/Out Board and gave adequate notice for his leave. The Supervisor had no knowledge of the allegation of his driving off with equipment. ROI at 910. We find that the Supply Technician was not similarly situated, and that Complainant did not establish a prima facie case of discrimination based on her color, race, and sex for her suspension.

Complainants may establish a prima facie case of reprisal by showing that: (1) they engaged in a protected activity; (2) the agency was aware of the protected activity; (3) subsequently, they were subjected to adverse treatment by the agency; and (4) a nexus exists between the protected activity and the adverse treatment. Whitmire v. Dep't of the Air Force, EEOC Appeal No. 01A00340 (Sept. 25, 2000).

Complainant stated that she engaged in prior protected EEO activity on February 23, 2021, and she informed the Supervisor and the Director in February 2021. ROI at 471, 606. The Supervisor disclosed that he became aware of Complainant's EEO activity on or about March 16, 2021. ROI at 818. The Director confirmed that he learned of Complainant's prior EEO complaints in February 2021 and December 2021. ROI at 618.

To the extent that these EEO cases were ongoing, we will credit that Complainant established a prima facie case of reprisal.

The Agency proffered legitimate, nondiscriminatory reasons for issuing the suspension. The Supervisor averred that he proposed the suspension based on the specific instances of Complainant's failure to follow instructions to impress upon her the seriousness of her misconduct, and to provide an opportunity for future success. ROI at 820. A Human Resources Specialist stated that she was involved in the discussions for the proposed suspension with the Supervisor. She attested that the suspension was due to Complainant's history of misconduct, and it was not based on her color, race, sex, or prior EEO activity. ROI at 657-9.

The Director explained that the suspension conformed to the Table of Penalties for a second offense to issue a suspension between one (1) and fourteen (14) days for Failure to Follow Instructions. He considered the Douglas Factors and the supporting materials.<sup>4</sup> The Director found that the suspension was reasonable and appropriate because every employee has a responsibility to follow a supervisor's instructions in support of the mission. The Director noted that Complainant did not respond to the proposal within her 10-day reply period. After he issued the decision, the Director agreed to a "Reconsideration Meeting" on September 20, 2022. On October 17, 2022, the Director issued a Decision Reconsideration Meeting, and he concluded that the documents and arguments presented at the meeting did not refute the sustained charges or mitigate the imposed penalty. ROI at 628-9, 703-6.

We find that Complainant has not shown that the proffered reasons were pretexts for discrimination. Pretext can be demonstrated by showing such weaknesses, inconsistencies, or contradictions in the Agency's proffered legitimate reasons for its action that a reasonable fact finder could rationally find them unworthy of credence. See Opare-Addo v. U.S. Postal Serv., EEOC

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<sup>4</sup> The Douglas Factors are the list of factors that may be relevant to a determination of discipline. Douglas v. Veterans Administration, 5 M.S.P.R. 280, 305-6 (1981).

Appeal No. 0120060802 (Nov. 20, 2007) (finding that the agency's explanations were confusing, contradictory, and lacking credibility, which were then successfully rebutted by the complainant), request for recon. denied, EEOC Request No. 0520080211 (May 30, 2008).

On appeal, Complainant generally contends that the suspension was based on fabrications, but she offered no supporting evidence. Further, the record shows that the Supervisor regularly communicated instructions to Complainant and her obligations to comply. For example, on February 8, 2022, the Supervisor emailed Complainant and the other Supply Technician that he would deliver an In/Out Board to capture their times out of the Warehouse with their expected return times. The Supervisor counseled Complainant on February 25, 2022, about her failure to use the In/Out Board, and when she objected to the counseling, he replied "[s]imply ignoring instructions is not an option." The failure to follow instructions charge included her departing work two (2) hours early on May 24, 2022, without utilizing the In/Out Board. ROI at 232-3, 847, 120.

In addition, on March 10, 2022, and March 23, 2022, the Supervisor emailed Complainant that when she called out of work, stating "I'm not coming in" was insufficient, and she needed to provide a reason and indicate the leave requested. ROI at 344, 452. The proposed suspension noted eleven (11) dates, between March 28, 2022, and July 13, 2022, when Complainant sent text messages simply stating that she was not coming in. ROI at 121-2. Complainant did not challenge any of these eleven (11) incidents.

Complainant also disputes the assertion that she did not respond to the proposed suspension, claiming there was a meeting on August 19, 2022, during which she presented evidence that she was on leave for two (2) missing hours. However, the record shows that on August 11, 2022, the Director emailed Complainant about a meeting "next Friday" (August 19, 2022), to discuss the results of the AR 15-6. ROI at 456. Complainant offered no evidence that they discussed the proposed suspension at this meeting. The Commander also emailed the Human Resources Specialist that he did not receive a response from Complainant on her proposed suspension by the deadline. ROI at 245-6.

In addition, the suspension only included a charge of failure to follow instructions. If Complainant is referring to "missing hours" on May 24, 2022, the Supervisor noted that she failed to follow instructions when she left early without using the In/Out Board, and he did not charge her with AWOL.

Complainant did not show that the proffered reasons are not worthy of belief and, her bare assertions that management officials discriminated against her are insufficient to prove pretext or that their actions were discriminatory.

Further, the Commission has long held that “[p]articipation in the EEO process does not shield employees from uniformly applied standards of conduct and performance; nor are the statutory anti-retaliatory provisions a license for employees to engage in misconduct.” Berkner v. Dep’t of Commerce, EEOC Petition No. 0320110022 (June 23, 2011). Accordingly, we find that Complainant did not establish discrimination based on her color, race, or sex, or in reprisal for prior protected activity when the Agency proposed and sustained a five-day suspension for failure to follow instructions.

### *Harassment*

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), approved in Meritor Savings Bank v. Vinson, 477 U.S. 57, 66-67 (1986); see generally Enforcement Guidance on Harassment in the Workplace, EEOC Notice No. 915.064 (April 29, 2024).; 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 color, race, sex, or engagement in prior EEO activity.

Only if Complainant establishes both of those elements – hostility and motive – will the question of Agency liability present itself.

As discussed above, we found that Complainant did not establish a case of discrimination for her suspension on any of her alleged bases. Further, we conclude that a case of harassment is precluded based on our finding that Complainant did not establish that these actions were motivated by her protected bases. See Oakley v. U.S. Postal Serv., EEOC Appeal No. 01982923 (Sept. 21, 2000). As such, we find that Complainant did not show that the Agency subjected her to harassment based on her color, race, sex, or prior protected EEO activity for her suspension.

In addition, Complainant offered no evidence to connect the notice about her CHIP complaint (claim 2), or the instruction to attend training due to the findings of the AR 15-6 investigation (claim 3), to any protected class. The Commander asserted that the Agency determined that the basis of Complainant's CHIP complaint was her proposed discipline, and that the proposal notice contained the methods of redress. As such, there were no allegations that met the definition of harassment. ROI at 921.

For claim 3, the Investigating Officer stated that she recommended training for Complainant, such as conflict resolution and critical thinking, to better understand the regular day-to-day interactions within an office setting. ROI at 791. The Commander ordered training for Complainant and the Supervisor to improve any communication shortfalls identified in the AR 15-6. ROI at 924-5. The Director identified classes that met the requirements, as directed by the Commander, and he instructed Complainant to complete the four trainings by September 30, 2022. ROI at 625.

The Commission has held that routine work assignments, instructions, and admonishments do not rise to the level of harassment because they are common workplace occurrences. See Gray v. U.S. Postal Serv., EEOC Appeal No. 0120091101 (May 13, 2010). Unless it is reasonably established that the common workplace occurrence was somehow abusive or offensive, and that it was taken in order to harass Complainant on the basis of her protected class, we do not find such common workplace occurrences sufficiently severe or pervasive to rise to the level of a hostile work environment or harassment as Complainant alleges. See Complainant v. Dep't of Veterans Affairs, EEOC Appeal No. 0120130465 (Sept. 12, 2014). There is no evidence that these work-related incidents were abusive or offensive, or taken in order to harass Complainant on the basis of a protected class.

Accordingly, we find that Complainant did not establish that the Agency subjected her to harassment based on her color, race, or sex, or in reprisal for prior protected EEO activity.

### 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 decision.

### 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)

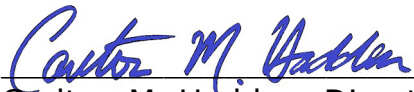
You have the right to file a civil action in an appropriate United States District Court **within ninety (90) calendar days** from the date that you receive this decision. If you file a civil action, you must name as the defendant in the complaint the person who is the official Agency head or department 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

February 4, 2025

Date