



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

[REDACTED]
Cecile T.,¹
Complainant,

v.

Isabel Casillas Guzman,
Administrator,
Small Business Administration,
Agency.

Appeal No. 2023004729

Hearing No. 570-2021-00619X

Agency No. 12-20-005

DECISION

Following its August 12, 2023, final order, the Agency filed a timely appeal with the Equal Employment Opportunity Commission (EEOC or Commission) pursuant to 29 C.F.R. § 1614.403(a). On appeal, the Agency requests that the Commission affirm its rejection of an EEOC Administrative Judge's (AJ) finding of discrimination in violation of Section 501 of the Rehabilitation Act of 1973 (Rehabilitation Act), as amended, 29 U.S.C. § 791 et seq. The Agency also requests that the Commission affirm its rejection of the relief ordered by the AJ. For the following reasons, the Commission REVERSES the Agency's final order.

ISSUES PRESENTED

The issue is whether there is substantial evidence to support the AJ's decision after a hearing finding that the Agency failed to provide Complainant with a reasonable accommodation when it revoked Complainant's reasonable accommodation of up to four days of telework per week, based on disability.

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.

BACKGROUND

During the period at issue, Complainant worked as a Program Analyst, GS-343-14, at the Agency's Office of Government Contracting and Business Development in Washington, D.C.

On February 24, 2020, Complainant filed a formal EEO complaint alleging that the Agency discriminated against her based on race (African-American), disability (anxiety disorder, hypertension, panic attacks), and reprisal for prior protected EEO activity under Section 501 of the Rehabilitation Act of 1973. In support of these matters, Complainant raised the following claims:

1. On December 3, 2019, Complainant was denied a reasonable accommodation when her approved reasonable accommodation was rescinded; and
2. On February 16, 2020, Complainant was reassigned to another position.

The Agency accepted the claims, and an investigation was conducted. After 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 Equal Employment Opportunity Commission Administrative Judge (AJ). Complainant timely requested a hearing. The AJ held a hearing on June 7 and 8, 2023, and issued a decision on July 3, 2023.

Complainant started working for the Agency in December 1998. She sought a reasonable accommodation in May 2014. On June 12, 2014, Complainant obtained a letter from her treating medical provider (Doctor) which stated that Complainant would benefit from teleworking at least four days per week. Her Doctor also expressed the need for Complainant to take extended breaks, resulting in Complainant also having two 15-minute breaks, along with her lunch break. Complainant's Doctor described Complainant's persistent symptoms, which included palpitations, anxiety, increased heart rate, and fatigue. The Doctor also stated that if Complainant had a panic attack, she should be allowed to take extended breaks until she feels it is safe to return to her work tasks. Complainant moved to the position of Senior Advisor (also listed as Program Analyst) in 2016. In her initial year in the position, her performance was rated at a 3 (fully successful) out of 5. In each of the subsequent years – 2017, 2018, and 2019 – Complainant was rated 4 out of 5.

On September 12, 2016, Complainant obtained another letter from her Doctor. In the Doctor's updated letter, The Doctor specified that the reasonable accommodation previously outlined should remain, and that Complainant's symptoms include hypertension, severe stress – which caused her to develop a racing heart, nausea, and migraines. The Doctor also stated that Complainant had arthritis and back pain. Complainant's four days of telework, and two additional 15-minute breaks continued. On March 1, 2018, Complainant obtained a new letter from her Doctor. This letter stated that Complainant suffered from heart palpitations, hypertension, high anxiety, migraines, and anxiety disorders. He further stated that Complainant's condition had worsened. Finally, Complainant's Doctor stated that her symptoms continued to interfere with her concentration and asked that Complainant be allowed to continue with four days per week of telework, and the two 15-minute breaks.

In late 2018, a new individual became the Acting Associate Administrator (AAA) and he also became Complainant's first-level supervisor. Initially, AAA was unaware that Complainant reported directly to him, and for months he did not assign Complainant any tasks or meet with her to discuss her work. Complainant also did not reach out to AAA to request assignments or turn in work. AAA did not learn that he was Complainant's supervisor until Complainant submitted a leave request, AAA then requested to meet with Complainant. AAA asked Complainant what she had been working on, Complainant testified that AAA became aggressive and yelled at her, and Complainant stated that she left without being able to respond to him. On May 6, 2019, AAA sent Complainant a letter stating that he needed current medical documentation by May 20, 2019, which must address Complainant's medical condition(s) to include any limitations that prevent her from performing the essential functions of her job. However, on May 28, 2019, Complainant was assigned a new supervisor (S1). S1 picked up where AAA left off and began working with the EEO Manager and Disability Program Employment Manager (DPEM) to assess Complainant's reasonable accommodation.

On July 3, 2019, S1 provided Complainant with a letter that authorized her reasonable accommodation, through September 20, 2019, as follows: extended breaks if Complainant feels the onset of a panic attack, four scheduled telework days per week, and Complainant must be in the office each Wednesday. At this point, Complainant had already provided DPEM with her March 1, 2018 Doctor's letter. On October 9, 2019, S1 gave Complainant a letter stating that there were pending questions regarding Complainant's medical documentation. S1 stated that it was not clear what triggered Complainant's symptoms or why she can only come into the office once a week. DPEM stated that it was unclear whether Complainant had a medical condition that rose to the level of disability under the Rehabilitation Act². The Agency wanted to submit the accommodation request to the Federal Occupational Health (FOH), an action that DPEM later stated was extremely rare and only occurred, in what she opined was, one percent of reasonable accommodation requests. With the FOH submission, Complainant was given seven-days to submit a signed and completed authorization disclosure form, copies of all relevant medical records, position description and essential functions, and documentation of communications with Complainant's supervisor or Office of Diversity, Inclusion, and Civil Rights on the reasonable accommodation request. S1 extended Complainant's reasonable accommodation, pending FOH's review, until December 6, 2019. On October 31, 2019, DPEM provided S1 with a summary of Complainant's submitted medical documents. On November 21, 2019, before the end of Complainant's reasonable accommodation extension, S1 issued Complainant a letter stating that Complainant had not identified what triggers her symptoms, the functional limitations caused, or how performing essential functions of her position were impacted by her conditions. S1 denied Complainant's reasonable accommodation. S1 reiterated that it was still unclear that Complainant's medical condition rose to the level of disability under the Rehabilitation Act.

² Agency officials repeatedly refer to the ADA (Americans with Disability Act). However, the Rehabilitation Act is the regulatory authority that applies the ADA to Federal agencies and its employees. For clarity, we are using the Rehabilitation Act, in place of where Agency officials used ADA.

S1 determined that, since she had become Complainant's supervisor in May 2019, that Complainant's "5/4/9" schedule and teleworking up to four-days per week did not afford Complainant sufficient opportunities to integrate and engage with the team and gain valuable knowledge of program operations.³ S1 also determined that Complainant's work was better performed face-to-face. In addition to ending Complainant's reasonable accommodation of four-days per week of telework, S1 authorized Complainant to take two 15-minute breaks, plus her lunch period, and extend her workday to make up for the extra breaks or use leave for that time. Complainant was afforded a request for reconsideration to the Deputy Associate Administrator (DAA). On November 25, 2019, Complainant submitted another letter to DPEM, from her Doctor, again stating Complainant's ongoing medical conditions and how those conditions had an impact upon her ability to concentrate and how the conditions interfered with her work, along with Complainant's need to telework at least four-days per week and have breaks. Finally, on January 16, 2020, S1 met with Complainant to inform Complainant that she would be reassigned, effective February 2020. Complainant testified that she asked S1 "what gave [her] the idea that [Complainant] wanted to be moved." Complainant did not request a reassignment.

On February 16, 2020, Complainant was reassigned and moved to the position of Program Compliance Analyst in the Office of Program Review. In March 2020, the COVID pandemic led the Agency to have all employees telework full-time. By 2023, the Agency began having employees come into the office one-day per week. During this period, Complainant's new supervisor (NS1) oversaw Complainant's duties, which included working on audits of 8A programs, FOIA (Freedom of Information Act) correspondence and she assisted with 408 reports to Congress, along with other special projects. NS1 testified that Complainant successfully and effectively performed in the position during the entire period.

AJ Decision

In the decision, the AJ determined that the Agency failed to reasonably accommodate Complainant. The AJ found that Complainant satisfied all of the qualifications for job of Senior Advisor/Program Analyst. The only hinderance to her performing her job effectively was her disability, for which she required a reasonable accommodation. The AJ further found, Complainant had performed the job successfully, as demonstrated by her annual appraisal ratings, since 2016. The AJ noted that the appraisal ratings were from various supervisors and Complainant had a reasonable accommodation with telework for four days per week. The AJ found the Agency's argument that Complainant could not perform the essential functions of her position while teleworking, was unpersuasive. The AJ further considered that S1 did not assign Complainant any tasks, which rendered the Agency's arguments disingenuous. Additionally, the record did not contain facts or evidence that Complainant could not perform the essential functions of her position for the time-period S1 was Complainant's supervisor.

³ The "5/4/9" schedule is five-days of work the first week of a pay period, four-days of work the second week, a total of nine-days out of ten-work days in a pay period.

The AJ found that, regarding the time-period associated with NS1's supervision of Complainant in her Senior Advisor position, NS1 testified to her skepticism of Complainant's success while using four-days of telework per week. NS1 further testified that four-days of telework, did not afford Complainant the maximum opportunity to integrate with the team, and that when Complainant was not in the office, she missed opportunities to engage with others, listen and learn. The AJ noted that NS1 did not provide testimony, nor did anyone else, demonstrating that any instances when anyone reached out unsuccessfully to Complainant. The AJ emphasized that the record lacked evidence that Complainant was ever unreachable/unresponsive, difficult to contact, or that Complainant demonstrated any level of unwillingness to participate virtually. The AJ further noted that NS1 testified to the Agency being equipped with Skype, which enabled employees to participate from home by audio and video. NS1 testified that Complainant worked on projects which required establishing and maintaining professional connections and relationships, but NS1 did not testify that any of these aspects of Complainant's duties were deficient. In light of the foregoing, the AJ found that the Agency failed to provide Complainant with a reasonable accommodation and discriminated against her on the basis of disability.⁴

The AJ then addressed Claim 2, regarding Complainant's reassignment. While Complainant testified that she did not ask for the reassignment, Complainant also did not deny other portions of her conversation with NS1. The AJ considered NS1's testimony, which was found to be persuasive and reliable. NS1 testified that Complainant was interested in a role that allowed for more career growth and routine duties. The AJ noted that the Agency may make employment decisions on any variety of factors, so long as the actions are not for an unlawfully discriminatory reason. The AJ found that there was no evidence to support an inference disparate treatment on the bases of race, disability, or reprisal, for Complainant's reassignment.⁵

Based on the above determinations, the AJ awarded Complainant \$31,250 in non-pecuniary compensatory damages. The AJ noted that the record evidence demonstrated harms suffered by Complainant resulted by her pre-existing condition, multiple deaths in her immediate family, and other career setbacks, unrelated to the revoked accommodation. The AJ also ordered that if and when the Agency discontinued its pandemic-related telework, it was to engage with Complainant in the interactive process to determine whether her disabilities require, and her physician still recommended that she telework up to four-days per week. Additionally, to ensure that the violations of the Rehabilitation Act did not recur, the Agency was ordered to provide at least sixteen (16) hours of training on the Rehabilitation Act and the reasonable accommodation process, at a minimum, for the listed individuals – NS1, DPEM, and DAA. Finally, the Agency was to post the Notice attached to the decision.

⁴ The AJ found that the failure to accommodate did not support a finding of discrimination based on race or reprisal regarding Claim 1. This determination was not at issue in the instant appeal.

⁵ The AJ further found that Complainant failed to establish that the actions raised in claims 1 and 2 did not comprise a hostile work environment. Again, this matter was not at issue in the Agency's appeal.

The Agency issued a final order which did not adopt and did not intend to implement the AJ's final decision regarding Claim 1, finding that Complainant proved that the Agency subjected her to discrimination as alleged became the Agency's final action pursuant to 29 C.F.R. § 1614.109(i).

CONTENTIONS ON APPEAL

On appeal, the Agency argues that the AJ erred in finding that the Agency failed to reasonably accommodate Complainant. It argues that the AJ's determination was not consistent with the weight of evidence, and that the finding was contrary to law. The Agency argues that the AJ incorrectly assumed that Complainant's requested accommodation, four-days per week of telework, was an effective accommodation. The Agency asserts that the AJ relied too heavily on Complainant's performance evaluation ratings, and further argues that testimony from Complainant's two former supervisors, S1 and NS1, were a better barometer. The Agency avers that the reasonable accommodation that the Agency provided was effective, and Complainant admitted as much. Additionally, the Agency argues that the continuation of Complainant's requested reasonable accommodation of four-days per week of telework, would be an undue hardship to the Agency. The Agency also states that the AJ awarded an excessive amount in compensatory damages to Complainant.

Complainant requests that the AJ's decision be affirmed.

STANDARD OF REVIEW

Pursuant to 29 C.F.R. § 1614.405(a), all post-hearing factual findings by an AJ will be upheld if supported by substantial evidence in the record. Substantial evidence is defined as "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." Universal Camera Corp. v. National Labor Relations Board, 340 U.S. 474, 477 (1951) (citation omitted). A finding regarding whether or not discriminatory intent existed is a factual finding. See Pullman-Standard Co. v. Swint, 456 U.S. 273, 293 (1982). An AJ's conclusions of law are subject to a de novo standard of review, whether or not a hearing was held.

An AJ's credibility determination based on the demeanor of a witness or on the tone of voice of a witness will be accepted unless documents or other objective evidence so contradicts the testimony, or the testimony so lacks in credibility that a reasonable fact finder would not credit it. See EEOC Management Directive 110, Chapter 9, at § VI.B. (Aug. 5, 2015).

ANALYSIS

Reasonable Accommodation

Agencies are required to reasonably accommodate the known limitations of qualified individuals with disabilities unless they can show that doing so would result an undue hardship upon their operations. See 29 C.F.R. §§ 1630.2 (o), (p); EEOC Enforcement Guidance on Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act, EEOC Notice

No. 915.002 (Oct. 17, 2002); Barney G. v. Department of Agriculture, EEOC Appeal No. 0120120400 (December 3, 2015).

Substantial evidence supports the AJ's determination that the Agency failed to reasonably accommodate Complainant. The AJ correctly determined that Complainant was a qualified individual with a disability. Complainant had been an employee with the Agency since 1998. She had been working successfully with a reasonable accommodation of telework four-days per week, and two 15-minute breaks, since 2014. Complainant had received fully successful, and higher, performance evaluations in the time that she had been working with her reasonable accommodation. S1 became Complainant's supervisor in late 2018. S1 failed to realize he was Complainant's supervisor, which led to S1 not assigning anything to Complainant, until he discovered that he was her supervisor. Conversely, during this period, Complainant did not report to S1. When S1 realized he was Complainant's direct supervisor, he began to work to reassess Complainant's reasonable accommodation. The AJ properly pointed out that the Agency lacked evidence to demonstrate that Complainant's reasonable accommodation during this period was ineffective. The fact that S1 did not assign Complainant work and Complainant did not reach out to S1, was not evidence of anything other than a lack of appropriate supervision. When NS1 became Complainant's supervisor, NS1 continued where S1 left off and continued to have Complainant's reasonable accommodation accessed and eventually revoked it. DPEM and DAA were also key individuals in the assessment and determination that Complainant had failed to demonstrate that she required the reasonable accommodation of four-days per week of telework. The AJ found that the Agency failed to demonstrate that Complainant's requested reasonable accommodation was ineffective, that Complainant was unable to perform her duties under her reasonable accommodation, or that Complainant's reasonable accommodation presented an undue hardship on the Agency.

The AJ properly determined that the Agency failed to establish that Complainant's reasonable accommodation was ineffective, or that Complainant failed to perform the functions of her position successfully, while teleworking four-days per week. We agree with the AJ's finding that the basis for revoking Complainant's reasonable accommodation – that Complainant could not perform the essential functions of her position and did not provide adequate medical documentation – to be disingenuous and lacked good faith. Complainant's medical documentation consistently articulated her medical conditions, and even documented when her medical conditions worsened and when she came under additional professional care. From 2014 through 2019, Complainant's medical conditions worsened, and her Doctor explained her conditions and how they had an impact upon her working ability in each of the updated medical documents. Complainant's reconsideration request included an updated letter from her Doctor. Instead of engaging in any discourse with her Doctor to satisfy any further questions it had, Complainant's the Agency denied the reconsideration request. The AJ noted that the record was devoid of any attempt by the Agency or FOH, after FOH could not make its determination, for additional information. Additionally, the Agency failed to demonstrate that Complainant's performance was in anyway subpar or that she did not perform appropriately in her position, while she was teleworking. We affirm the AJ's determination.

Non-Pecuniary Compensatory Damages

The non-pecuniary losses include intangible injuries of emotional harm. The AJ listened to Complainant's testimony of the harms she suffered during the period at issue. Complainant testified that, when her reasonable accommodation was revoked, she experienced depression, she expressed feeling defeated, trapped, and helpless. Complainant also testified that she had to increase the number of counseling sessions she and engage the services of the Agency's Employee Assistance Program. The AJ also noted that Complainant was dealing with issues unrelated to the revocation of her reasonable accommodation, including the deaths of several close family members in a close period of time, and her pre-existing medical conditions. The AJ stated that she considered all of these factors when determining how much to award Complainant in damages. We affirm the AJ's award of \$31,250.00 in non-pecuniary compensatory damages to Complainant.

CONCLUSION

Based on a thorough review of the entire record and all contentions on appeal, we REVERSE the Agency's final order rejecting the AJ's finding of failure to accommodate regarding Claim 1. This matter is REMANDED to the Agency for further processing in accordance with the following ORDER.

ORDER

To the extent it has not already done so, the Agency shall take the following actions as set forth in the AJ's decision:

1. **Within fifteen (15) calendar days** from the date this decision is issued, the Agency shall pay Complainant \$31,250.00 in compensatory damages.
2. **Within thirty (30) calendar days** of the date of this decision is issued, the Agency shall provide the training as originally ORDERED for the Agency officials.

The Agency is to provide at least sixteen (16) hours of training on the Rehabilitation Act and reasonable accommodation process to all Agency managers, HR personnel, and advisors involved in the decision to revoke Complainant's reasonable accommodation, including the legal sufficiency review, if any. At a minimum, the following individuals must be provided such training: NS1, DPEM, and DAA. The training must be taught by non-Agency personnel (i.e. non-SBA employees or contractors). The Agency shall consider obtaining external training directly from the EEOC or another provider, such as the National Employment Law Institute. This ordered training does not alter the Agency's other requirements under the No Fear Act or any other law or regulation but is in supplement thereto. Moreover, this ordered training must be in addition to any mandatory Rehabilitation Act, reasonable accommodation, or EEO training that is already required of these employees.

3. The Agency shall post a notice as set forth in the section below entitled "Posting Order."

POSTING ORDER

The Agency is ordered to post at its Washington, D.C. Facility copies of the attached notice. Copies of the notice, after being signed by the Agency's duly authorized representative, shall be posted **both in hard copy and electronic format** by the Agency **within 30 calendar days** of the date this decision was issued, and shall remain posted **for 60 consecutive days**, in conspicuous places, including all places where notices to employees are customarily posted. The Agency shall take reasonable steps to ensure that said notices are not altered, defaced, or covered by any other material. The original signed notice is to be submitted to the Compliance Officer as directed in the paragraph entitled "Implementation of the Commission's Decision," within 10 calendar days of the expiration of the posting period. The report must be in digital format, and must be submitted via the Federal Sector EEO Portal (FedSEP). See 29 C.F.R. § 1614.403(g).

IMPLEMENTATION OF THE COMMISSION'S DECISION (K0719)

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

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

Failure by an agency to either file a compliance report or implement any of the orders set forth in this decision, without good cause shown, may result in the referral of this matter to the Office of Special Counsel pursuant to 29 C.F.R. § 1614.503(f) for enforcement by that agency.

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).

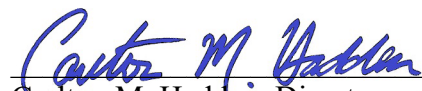
COMPLAINANT’S RIGHT TO FILE A CIVIL ACTION (R0610)

This is a decision requiring the Agency to continue its administrative processing of your complaint. However, if you wish to file a civil action, you have the right to file such action in an appropriate United States District Court **within ninety (90) calendar days** from the date that you receive this decision. In the alternative, you may file a civil action **after one hundred and eighty (180) calendar days** of the date you filed your complaint with the Agency, or filed your appeal with the Commission. If you file a civil action, you must name as the defendant in the complaint the person who is the official Agency head or department head, identifying that person by his or her full name and official title. Failure to do so may result in the dismissal of your case in court. “Agency” or “department” means the national organization, and not the local office, facility or department in which you work. **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

July 29, 2024
Date