



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

[REDACTED]
Terrence H.,¹
Petitioner,

v.

Denis R. McDonough,
Secretary,
Department of Veterans Affairs,
Agency.

Petition No. 2024002759

Appeal No. 2021000610

Agency No. 200P-0644-2013102570

DECISION ON A PETITION FOR ENFORCEMENT

On March 26, 2024, the Equal Employment Opportunity Commission (EEOC or Commission) docketed a petition for enforcement to examine the enforcement of an Order set forth in Terrence H. v. Dep't of Veterans Affairs, EEOC Appeal No. 2021000610 (March 21, 2022). The Commission accepts this petition for enforcement pursuant to 29 C.F.R. § 1614.503. For the following reasons, the Commission GRANTS the petition for enforcement.

ISSUE PRESENTED

Whether further enforcement action is warranted where the Agency failed to fully and timely comply with the Commission's Order in EEOC Appeal No. 2021000610, and whether Petitioner may be entitled to additional attorney's fees.

¹ This case has been randomly assigned a pseudonym which will replace Petitioner'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, Petitioner worked as a Physician (General Surgeon), VM-0602-PHYS, at the Agency's Veterans Affairs Medical Center, Surgical Service, in Phoenix, Arizona.

On July 5, 2013, Petitioner filed an equal employment opportunity (EEO) complaint, as amended, alleging that he was discriminated against in violation of Title VII² when, in part, the Agency put him on administrative leave, suspended his clinical privileges, and terminated him during his probationary period.

Following an EEO investigation and hearing before an EEOC Administrative Judge (AJ), the AJ decided that Petitioner was discriminated against as alleged above and on other incidents. In relevant part the AJ ordered the Agency, as summarized below, to pay Petitioner:

1. Back pay from the date of his termination with interest, including out-of-pocket costs he incurred to replace benefits, such as medical coverage.³
2. Front pay under specified circumstances.
3. All appropriate tax-deferred contributions to his Thrift Savings Program (TSP) account during the back pay period, and earnings on them.
4. A tax consequences award in an amount to be determined after the Agency has calculated and paid the Petitioner's back and front pay awards and following the Petitioner's submission to the Agency of the amount of the adverse consequences of the lump sum payment(s) in the tax year of those awards.

By final order on November 8, 2018, the Agency adopted the AJ's decision, including the remedies ordered concerning back and front pay.

² Title VII of the Civil Rights Act of 1964 (Title VII), as amended, 42 U.S.C. § 2000e et seq.

³ The AJ explained that the Agency's calculation of back pay "should mirror increases that [Petitioner] would have had if he had remained employed, presumably by comparison to those physicians most similarly-situated to him."

Petitioner filed an appeal in August 2019, docketed as EEOC Appeal No. 2019005811, contending, in relevant part, that the Agency had not paid him any back pay, reinstated him, or paid front pay.

On January 30, 2020, while Appeal No. 2019005811 was pending, the Agency submitted a compliance report that included screen shots purported to be from the Automated Disbursing System (ADS) showing payments to Petitioner in the amounts of \$2,466,118.66 for a net payment of front pay, \$882,447.59 for a net payment of back pay, and payments of \$248,904.18 and \$3,227.37 for interest. The Agency stated in the email that it did not have copies of the checks. The compliance report also contains a signed memorandum indicating Petitioner's termination documents had been expunged from his personnel file. In addition, the compliance report also contains a letter to the State Licensing Board from the Agency that it was providing a copy of the decision finding discrimination, screen printouts indicating that the Agency paid \$200,000 in non-pecuniary compensatory damages and \$80,704 for attorney's fees, and a copy of a posting order regarding the finding of discrimination.

Petitioner then retained a new law firm which argued that while the Agency had provided screenshots showing payments of back pay and front pay, the Agency did not give any information as to how these awards were calculated. The Commission agreed and found it could not determine whether the Agency fully complied with its November 8, 2018 final order on back and front pay. Hence, in Terrence H. v. Department of Veterans Affairs, EEOC Appeal No. 2019005811 (June 30, 2020), the Commission ordered the Agency to: (1) supplement the record with clear, plain language explanations of its calculations on back and front pay, and (2) issue a new final decision on whether it was in full compliance with its November 8, 2018 final order. The matter was assigned to a Compliance Officer and docketed as Compliance No. 2020004203 on July 16, 2020.

On August 20, 2020, the Agency provided a compliance report supplementing the record with calculations and a brief explanation of the calculations. The Agency also issued a final decision on August 20, 2020 concluding it fully complied the November 8, 2018 final order concerning back and front pay. The Commission closed Compliance No. 2020004203 on September 23, 2020 finding that the Agency had taken the corrective actions ordered in EEOC Appeal No. 2019005811.

Petitioner timely appealed the Agency's August 20, 2020 final order to the Commission. This appeal was docketed as EEOC Appeal No. 2021000610.

On appeal, Petitioner argued that the Agency again gave inadequate documentation of its calculations of front and back pay. He noted the documentation provided by the Agency indicated that back and front pay were calculated based on SF50s and pay charts, but the Agency did not include full copies of these documents, did not identify how salary increases were calculated and whether and how the Agency considered similarly-situated physicians, did not provide assumptions and calculations for front pay, and did not identify the basis of calculations for Federal Employee Retirement System (FERS) or Thrift Savings Program (TSP) contributions. In Terrence H. v. Department of Veteran's Affairs, EEOC Appeal No. 2021000610 (March 21, 2022), the Commission found that the record was insufficient to determine whether or not the Agency was, in fact, in full compliance with its own November 8, 2018 final order and the Commission's decision in EEOC Appeal No. 2019005811. In that decision, we noted

The compliance report did not include physician pay tables from 2013 – 2018, and the ones included contained steps, not grades. It also included no SF50s reflecting grade levels and steps – or their equivalent. The calculations have no information on whether Complainant's back pay tracked the pay of similarly situated physicians, or the basis of assumptions in creating physician pay tables used in calculating front pay. In the absence of SF50s covering the back and front pay periods, the record does not show what grades and steps – or their equivalent the Agency assumed Complainant would, or will be at, any given time, nor does the record have the Agency's explanations for the grade and step assumptions it made for the back and front pay periods. We agree with Complainant that the Agency did not give the basis of its calculations for FERS or TSP contributions.

EEOC Appeal No. 2021000610 (March 21, 2022) (footnote omitted). Therefore the Agency was Ordered to: (1) supplement the record with further documentation, per the guidance in the decision, supporting its calculations of Petitioner's back and front pay, including all benefits; and (2) issue a FAD, with appeal rights to the Commission, on whether it had complied with its November 8, 2018 final order. The Agency was Ordered to complete these actions within 120 days of the issuance of the decision.⁴

⁴ The Order also provided that Petitioner had the opportunity to submit evidence of the tax consequences of receiving lump sum payments for back and front pay, and that the Agency shall pay the tax consequences.

The Order also specified that the Agency had to submit a report of compliance, including documentation verifying that the corrective action had been implemented. The matter was assigned to a Compliance Officer and docketed as Compliance No. 2022002365 on March 29, 2022.

On August 31, 2022, Petitioner submitted his first Petition for Enforcement. Petitioner contended that the Agency failed to take any action to timely comply with the Commission's Order in EEOC Appeal No. 2021000610 directing it to supplement the record and issue a FAD. In response, the Agency submitted multiple interim compliance reports detailing their efforts to comply with the order.

On September 29, 2022, via email, the Agency stated they were working with the Financial Services Center and the facility to facilitate the recalculation of back pay and leave restoration through DFAS. The Agency stated it had provided DFAS with pertinent information, however, the Agency was still waiting on their Human Resource personnel to complete their calculations before DFAS could accurately recalculate the back pay. On November 2 and 3, 2022, the Agency submitted two interim reports providing documentation detailing their efforts to comply with the order. Although the EEOC Office of Federal Operations acknowledged the Agency had not yet substantially complied with the Order in EEOC Appeal No. 2021000610, given the Agency's continued efforts to comply, on November 8, 2022, the Petition for Enforcement was held in abeyance for 60 days.

On January 10, 2023, the Agency submitted an interim compliance report indicating that Petitioner was due an additional \$700,706.56 (\$578,220.56 in increased market pay and \$122,486.00 in performance pay), but no calculations or explanation were provided.

On January 24, 2023, Petitioner submitted a letter noting the Agency's continued non-compliance with the Commission's orders and requesting this matter be referred to the Office of Special Counsel. Petitioner contended that the Agency's January 10, 2023 interim compliance report failed to provide any supporting documentation or information about backpay.

On January 31, 2023, the Agency submitted another interim compliance report. Within this report the Agency indicated that the Petitioner is due an additional \$618,930.60 in wages and \$122,486.00 for performance pay. The Agency made several recalculations in determining the correct amount of back pay, front pay, benefits, and interest.

The Agency expressed their continued efforts to determine the appropriate figures and commit to providing the supporting documentation as soon as the figures were finalized. The Petition for Enforcement was again held in abeyance due to the Agency's continued efforts to comply with the order.

On March 22, 2023, the Agency indicated that they sent the payment request and the associated SF50s to DFAS on or about February 14, 2023. The allocation documentation showed they recalculated the amount of back pay and front pay as \$2,728,271.78. The Agency also related that there may be an additional delay with the distribution of funds as a result of DFAS determining the appropriate deductions including standard withholdings and taxes.

Additionally, on May 25, 2023, the Agency uploaded an interim report that included the corrected SF50s from 2012 through 2019, a narrative explaining the back pay and front pay calculation, and the pay audit in an Excel spreadsheet. Within this documentation the Agency reported that the gross back pay and front pay in the amount of \$2,125,189.97 had yet to be paid. The Agency has not submitted any other documentation or explanation since May 25, 2023.

On January 25, 2024, Petitioner submitted the petition for enforcement at issue. Again, Petitioner stated that the Agency has failed to take the necessary actions to comply with the Commission's Order. Specifically, the Agency has failed to issue a FAD regarding the Agency's compliance with its November 8, 2018 Order. Additionally, the Agency has not distributed the undisputed amount of back pay and front pay. Lastly, he indicated that the Agency has not responded to multiple inquires and communications regarding Agency compliance.

On February 21, 2024, the Petition was held in abeyance for 30 days and if the Agency failed to issue a FAD within that time, a Petition for Enforcement would immediately follow. As no further compliance information has been received from the Agency, this Petition for Enforcement was docketed on March 26, 2024.

CONTENTIONS ON PETITION

In the instant Petition for Enforcement, Petitioner requests the Commission take the following actions: (1) refer this matter to the Office of Special Counsel pursuant to 29 C.F.R. 1614.503(f); (2) enter default judgment against the Agency by crediting Petitioner's calculations of back pay and

front pay to be correct; and (3) order the Agency to pay attorneys' fees incurred by Petitioner in attempting to obtain compliance. In support of this, Petitioner reiterates that the Agency issued a final action adopting the EEOC Administrative Judge's finding of discrimination and award of remedies in November 2018, but has yet to comply with calculating and issuing the correct amounts of back pay and front pay to Petitioner. Petitioner also states the Agency has failed to comply with the Commission's March 21, 2022 Order and did not respond at all within the 120 days specified by the Order. Petitioner notes the Agency has not responded since his latest request for a Petition for Enforcement in January 2024.

Petitioner argues this matter should be referred to the Office of Special Counsel because the Agency's failure to fully comply with the Commission's orders undermines the integrity of the EEO process and has caused further upheaval to Petitioner's life for a matter that originally occurred in 2013.

Next, Petitioner requests sanctions against the Agency for its failure to comply with its own final order and the orders of the Commission. Specifically, Petitioner requests that he be provided thirty days to provide his calculations of back pay and front pay to the Commission, and that these calculations be accepted as correct for payment by the Agency to Petitioner.

Petitioner additionally seeks to have the Agency pay his attorney's fees incurred during his efforts to seek the Agency's compliance with its final order and the orders of the Commission.

The Agency did not respond to the petition for enforcement.

STANDARD OF REVIEW

EEOC Regulation 29 C.F.R. § 1614.503(a) provides that an aggrieved person may petition for enforcement of an order issued by the Commission under its appellate jurisdiction.

ANALYSIS

EEOC Regulations 29 C.F.R. § 1614.502(a) and § 1614.503 provide that relief ordered in a final EEOC decision is "mandatory and binding" on the agency. The regulations also provide that, on behalf of the Commission, EEOC's Office of Federal Operations (OFO) "shall take all necessary action to ascertain whether the agency is implementing the decision of the Commission."

Finally, the regulations provide that failure to implement EEOC orders will subject the agency to a variety of enforcement actions, including the issuance of a notice to show cause to the head of the agency, a referral to the Office of Special Counsel, and/or judicial enforcement.

We find that the Agency has failed to demonstrate that it has fully complied with the Commission's order in EEOC Appeal No. 2021000610. First, the Agency has yet to issue a final agency decision on whether it has complied with its November 8, 2018 final order. Second, although the Agency has provided additional calculations with some explanation, there is still no information regarding whether Petitioner's back pay tracked the pay of similarly situated physicians, or the basis of assumptions in creating physician pay tables used in calculating front pay. In its May 25, 2023 interim compliance report, the Agency provided the SF50s it purportedly relied on in making its calculations and definitions of various parts of front pay and back pay but there is still no plain language narrative explanation of how and why increases were made on certain dates and there is still no plain language narrative explanation of the basis of its calculations for FERS or TSP contributions. Based on the record before us, the Agency has not paid Petitioner the total undisputed amounts from the calculations it provided in May 2023 and there is no information regarding what happened to the payment requests sent to DFAS in 2023.

In spite of the fact that the Agency originally agreed to pay back pay and front pay in 2018 and then was ordered to provide calculations and a plain language explanation in 2022, the Agency has still not substantially complied. While updated calculations and interim compliance reports were provided between September 2022 and May 2023, the Agency has not provided any further information about its compliance efforts since May 2023 and has not responded to the instant Petition for Enforcement. The Agency was given continual leeway because it was demonstrating efforts to comply. However, such efforts appear to have ceased.

Our language in Dominica H. v. Dep't of Veteran's Affairs, EEOC Petition No. 2024001613 (Aug. 21, 2024) is applicable in the instant case:

This case is another example of the systemic problems within the Agency's compliance program. In numerous compliance matters currently being monitored by the Commission, the Agency has failed to submit the required compliance report, respond to requests for information, or simply acknowledge that they received the email or request. This is a pattern, and it is

impacting each and every complainant within the compliance process....

We remind the Agency of the Commission's order under Eve E. v. Dep't of Veterans Affairs, EEOC Appeal No. 2022001134 (July 20, 2022), in which the Commission warned the Agency of the consequences of further delays in compliance of the Commission's order.

Specifically, we emphasize[d] that the severity of Complainant's situation was significantly exacerbated by the Agency's excessive delay in complying with the AJ's order awarding remedies in a timely manner. We also cautioned the Agency that any continuing delay in compliance with Commission orders will result in the requirement to issue a written report to the Director, Federal Sector Programs, Office of Federal Operations regarding deficiencies in compliance and a detailed action plan for addressing its failure to comply with Commission orders. See Iesha G. v. Dep't of the Army, EEOC Petition No. 2019004319 (Jan. 31, 2020), see also Chastity L. v. Dep't of the State, EEOC Petition No. 2021004652 (June 27, 2022).

Despite having received this warning, the Agency continues to be in noncompliance not only with the compliance matter referenced in this petition for enforcement recommendation but in several other compliance matters. The Agency has also failed to timely submit an action plan to the Commission's Federal Sector Program (FSP) to address noted compliance deficiencies.

Given the foregoing, we find the Agency must now provide a clear and concise "plain language" narrative that clearly sets forth a detailed step by step explanation for its calculations and payments and how each change in pay was determined, including the assumptions made and how the pay of similarly situated physicians was considered. Such explanation will also need to include how other benefits and withholdings were determined. We note it is the agency's obligation to ensure that its calculations are clear, supported in the record and in accordance with 29 C.F.R. § 1614.501 and that it meaningless to provide such a statement if it not understandable to the reader. See Vashi v. U.S. Postal Serv., EEOC Petition No. 0420060009 (Dec. 5, 2007).

We also note that the Agency was previously ordered to pay the adverse tax consequences caused by receiving lump sum payments for back and front pay with interest in 2020. That order still stands and we also find it is appropriate that Petitioner should be able to submit evidence of similar tax consequences for additional lump sum payments received since 2020 or pursuant to this petition.

In his petition, in addition to seeking compliance with our prior order, Petitioner specifically requested this matter be referred to the Office of Special Counsel, that we award default judgment with regard to calculations of back pay and front pay in his favor, and that we award him attorney's fees incurred in seeking compliance.

While we do not make a referral to the Office of Special Counsel at this time, we again remind the Agency that failure 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.

Petitioner has requested sanctions in the form of a default judgment requiring the Agency to accept his calculations of front pay and back pay. While we decline to issue such a sanction in this matter, we do find it appropriate for Petitioner to submit an updated calculation of what he believes to be the proper amount of back pay and front pay and for the Agency to explain in detail any differences between its calculations and those of Petitioner. We also find that Petitioner may submit evidence to the Agency on the tax consequences arising from lump sum payments for back pay, front pay, and interest in 2020, and from similar payments made in other years (including pursuant to the orders in this case).

Importantly, Petitioner is entitled to any reasonable attorney fees and costs incurred from efforts to obtain the Agency's compliance. See Mary C. v. Dep't of Homeland Sec., EEOC Appeal No. 0120172173 (Feb. 28, 2019) referencing Bermudez v. United States Postal Serv., EEOC Request No. 05920122 (Nov. 30, 1992), see also, Waller v. Dep't of Transport., EEOC Appeal No. 0720030069 (May 25, 2007) citing Smith v. Dep't of Transport., EEOC Appeal No. 01940320 (Feb. 24, 1994) (attorney's fees awarded where agency failed to take corrective action ordered in its final decision).

CONCLUSION

Accordingly, based on a thorough review of the record, the Commission GRANTS Petitioner's Petition for Enforcement and REMANDS this matter to the Agency for further processing consistent with this decision and the Order below.

ORDER

Within **thirty (30) calendar days** of the date this decision is issued, Petitioner shall:

1. provide the Agency with updated calculations regarding the total amounts he believes he is owed for back pay, front pay, interest, and all benefits.

Within **sixty (60) calendar days** of the date this decision is issued, the Agency shall:

2. Issue a FAD, with appeal rights to the Commission, on whether it has complied with its November 8, 2018 final order. The FAD should include:
 - a. a detailed accounting of the amounts owed to Petitioner for:
 - i. backpay from the date of his termination in an amount to be determined, with interest, including out-of-pocket costs that he incurred to replace benefits, such as medical coverage, to which he would otherwise been entitled, and other fringe benefits (sick and annual leave, health and life insurance) that Petitioner would have earned during the back pay period as well as the applicable front pay period.
 - ii. front pay to include lost future earnings and benefits until Petitioner's age 65 birthday.
 - iii. all appropriate tax-deferred contributions to Petitioner's Thrift Savings Program account.
 - b. a clear plain language narrative explanation of the foregoing calculations that explains how and why the Agency's calculations differ from those submitted by Petitioner. The narrative shall also explain how each specific pay amount and/or increase was determined, whether and how similarly situated physician pay was considered, how physician pay tables were created, what assumptions were made in calculating front pay, benefits, TSP contributions, and any other additions/deductions.

Petitioner shall cooperate in the Agency's efforts to compute the amount of back pay, front pay, and benefits due him and shall provide all relevant information requested by the Agency.

Within **one hundred and twenty (120) calendar days** of the date this decision is issued:

3. Petitioner may submit a request for reimbursement to the *Agency* (not the EEOC Office of Federal Operations) for the adverse tax consequences of receiving lump sum payments for back pay in tax years 2023 and prior. Additionally, for lump sum payments received in tax year 2024 and subsequent years, Petitioner may, within **thirty (30) calendar days** of filing his tax return for the year in which he received the lump sum back pay amount, submit a request for reimbursement to the *Agency* (not the EEOC Office of Federal Operations).

Complainant has the burden of establishing the amount of increased tax liability, if any. The issue of adverse tax consequences (if applicable) shall be resolved within 120 days of the date Complainant submits his request for reimbursement.

Complainant is advised that any claim for reimbursement should include the tax documentation and calculations showing the tax liability that Complainant actually incurred for each year of the back-pay period, the tax liability that Complainant would have incurred in each of those years if Complainant had received the back pay in the form of a regular salary, and the difference in the amounts (i.e. tax liability that Complainant incurred solely as a result of Complainant's receipt of the lump-sum back-pay award). If applicable, Complainant may provide documentation to support reimbursement of any costs and fees incurred from hiring a certified public accountant to calculate the amount of increased tax liability.

Within **sixty (60) calendar days** of receipt of Complainant's claim and supporting documents, the Agency shall pay the amount of adverse tax consequences and associated attorney or CPA costs and fees.

The Agency is directed to submit a report of compliance, as provided in the statement entitled "Implementation of the Commission's Decision."

The report shall include documentation verifying that the corrective action has been implemented.

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 Petitioner and his/her representative.

If the Agency does not comply with the Commission's order, the Petitioner may petition the Commission for enforcement of the order. 29 C.F.R. § 1614.503(a). The Petitioner 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 Petitioner 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 Petitioner 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.

ATTORNEY'S FEES (H0124)

If Petitioner has been represented by an attorney (as defined by 29 C.F.R. § 1614.501(e)(1)(iii)), they are entitled to an award of reasonable attorney's fees incurred in the processing of the complaint. 29 C.F.R. § 1614.501(e). The award of attorney's fees shall be paid by the Agency.

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

PETITIONER'S RIGHT TO FILE A CIVIL ACTION (R0124)

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 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. **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 Petitioner's Right to File a Civil Action for the specific time limits).

FOR THE COMMISSION:



Carlton M. Hadden
Carlton M. Hadden, Director
Office of Federal Operations

December 9, 2024

Date