



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

[REDACTED]  
Ollie L.,<sup>1</sup>  
Complainant,

v.

Louis DeJoy,  
Postmaster General,  
United States Postal Service  
(Southern Area),  
Agency.

Appeal No. 2019000141

Hearing No. 510-2014-00482X

Agency Nos. 4G-335-0114-14, 4G-335-0015-14, 4G-335-0064-14

**DECISION**

On September 5, 2018, 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, 2018, final order concerning his 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., Section 501 of the Rehabilitation Act of 1973 (Rehabilitation Act), as amended, 29 U.S.C. § 791 et seq., and the Age Discrimination in Employment Act of 1967 (ADEA), as amended, 29 U.S.C. § 621 et seq. For the following reasons, the Commission VACATES the Agency's final order.

**ISSUE PRESENTED**

The issue presented herein is whether the factual record has been adequately developed that allows a reasonable fact finder to draw conclusions as to whether discrimination occurred.

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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 Carrier Technician at the Agency's Oak Street Branch Post Office facility in Kissimmee, Florida.

The record indicated that Complainant injured his shoulder while on the job on November 26, 2012. Complainant was seen by his physician as well as an Agency physician regarding the injury. He filed a claim with the Office of Worker's Compensation Program (OWCP) which was approved. Complainant was limited to light duty, no reaching above the shoulder, pushing/pulling/lifting for up to three hours and up to 20 pounds.

Starting in November 2013, Complainant sought work within his restrictions from the acting manager (Supervisor). However, the Supervisor indicated that there was no work available within his restrictions. The Supervisor contacted several post offices via emails seeking work within Complainant's limitations. However, no post office reported back that they had work available. On or about December 16, 2013, Complainant applied for disability retirement. During an arbitration hearing associated with Complainant's union grievance, the Agency and Complainant agreed to settle the matter as the Agency offered Complainant a modified carrier technician assignment. The position listed the delivery of Complainant's route limiting the lifting to 20 pounds. Complainant accepted the modified job offer on March 18, 2014.

Complainant returned for duty to the modified position on March 21, 2014. Complainant called the Supervisor while performing his route stating that he was suffering from pain throughout his body. The Supervisor instructed Complainant to return to the facility. Complainant declined medical attention. Complainant filled out a Continuation of Pay leave for March 21, 2014, which was approved. Complainant did not report to work on March 22, 24, 25, or 26, 2014. He did not request leave for those days. On March 31, 2014, the Supervisor instructed Complainant to report for an investigative interview relating to his failure to follow instructions and failure to report for work. Complainant did not report for the investigative interview. He was issued two letters of warning on April 12, 2014. On September 29, 2014, Complainant retired from the Agency based on his disability which became effective on May 13, 2014.

Complainant filed three EEO complaints alleging that the Agency discriminated against him on the bases of race (Asian), national origin (Chinese), disability (shoulder injury), age (53), and reprisal for prior protected EEO activity under Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, and Section 501 of the Rehabilitation Act of 1973 when:

1. On October 26, 2013, and ongoing, management did not provide him with limited duty work within his medical restrictions.
2. On March 18, 2014, management served him with a modified job description which did not accommodate his disabilities.

3. On March 21, 2014, management ordered him to fulfill the work requirements of the modified job description which lead to his sustaining additional physical injuries.
4. On April 12, 2014, he was issued a Letter of Warning (LOW) for Failure to Follow Instructions.
5. On April 12, 2014, he was issued a LOW for Failure to Meet the Requirements of his position/AWOL.

At the conclusion of the investigations, the Agency provided Complainant with copies of the reports of investigation and notices of his 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 April 25 and 26, 2018. The AJ issued a decision on July 28, 2018, finding no discrimination.

In the decision, the AJ assumed that Complainant established that he is an individual with a disability. The AJ noted, however, that the parties stipulated that Complainant was no longer able to perform the essential functions of his job as Carrier Technician. Complainant approached management and asked if there were any other positions he could do other than his position. The AJ determined that Complainant had not met his burden of establishing that there were vacancies during the relevant time to which he could have been reassigned. As a result, the AJ found that Complainant had not established that he was denied a reasonable accommodation in violation of the Rehabilitation Act. Finally, with regard to Complainant's disparate treatment claims, the AJ found that Complainant failed to demonstrate that the Agency's actions constituted discrimination based on his age, race, national origin, and/or his prior EEO activity.

The Agency subsequently issued a final order adopting the AJ's finding that Complainant failed to prove that the Agency subjected him to discrimination as alleged.

### CONTENTIONS ON APPEAL

Complainant appealed asserting that the AJ erred in finding no discrimination. Complainant, through his attorney (Attorney) argued that the Agency failed to consider providing him with a reassignment citing the Agency's flawed search for a position for Complainant. Based on the Agency's failure to provide him with a reasonable accommodation, the Attorney argued that the Agency subjected him to further discrimination when it issued him the disciplinary actions.

The Agency asked that the Commission affirm its decision adopting the AJ's decision finding no discrimination following a hearing.

### 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 Bd., 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 Equal Employment Opportunity Management Directive for 29 C.F.R. Part 1614 (EEO MD-110), Chapter 9, at § VI.B. (Aug. 5, 2015).

### ANALYSIS AND FINDINGS

#### *Denial of Reasonable Accommodation – Claims 1, 2, and 3*

In claims 1, 2, and 3, Complainant maintained that the Agency failed to offer him reasonable accommodation from October 26, 2013 and ongoing. Further, when the Agency provided him with a modified carrier position in March 2014, he was required to work outside of his limitations resulting in further injuries.

In order to establish that he was denied a reasonable accommodation, Complainant must show that: (1) he is an individual with a disability, as defined by 29 C.F.R. 1630.2(g); (2) he is a qualified individual with a disability pursuant to 29 C.F.R. § 1630.2(m); and (3) the Agency failed to provide a reasonable accommodation. See Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act, EEOC No. 915.002 (Oct. 17, 2002) (“Enforcement Guidance”).

An individual with a disability is one who: (1) has a physical or mental impairment that substantially limits one or more major life activities; (2) has a record of such impairment; or (3) is regarded as having such an impairment. 29 C.F.R. § 1630.2(g); Marcellus M. v. U.S. Postal Serv., EEOC Appeal No. 0120182213 (Aug. 16, 2019). Major life activities include such functions as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working; and the operation of a major bodily function. 29 C.F.R. § 1630.2(i). An impairment is a disability if it substantially limits the ability of an individual to perform a major life activity as compared to the ability of most people in the general population. 29 C.F.R. § 1630.2(j)(1)(ii). Such limitations must be shown to be of permanent or long-term duration. See Rose v. U.S. Postal Serv., EEOC Appeal No. 0120061879 (Nov. 30, 2007) (AJ found that employee failed to establish that she was an individual with a disability, noting that employee did not show that limitations resulting from her medical condition were of permanent or long-term duration).

The AJ assumed without finding that Complainant's shoulder injuries constitutes a disability within the meaning of the Rehabilitation Act and that the Supervisor was aware of Complainant's condition. We note that the AJ held that Complainant's medical condition limited him from

reaching above his shoulders, no lifting/pushing/pulling over 20 pounds. As such, rather than assuming, we find that Complainant is an individual with a disability under the Rehabilitation Act because he is substantially limited in the major life activity of lifting. See, e.g., Higgins v. U.S. Postal Serv., EEOC Appeal No. 07A300S6 (Sept. 14, 2005) (finding complainant was substantially limited in the major life activity of lifting where he was restricted to lifting no more than 20 pounds).

We must now ascertain whether Complainant was a qualified individual with a disability. A qualified individual with a disability is an “individual with a disability who satisfies the requisite skill, experience, education, and other job-related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position. Julius C. v. Dep’t of the Air Force, EEOC Appeal No. 0120141294 (June 16, 2017) citing 29 C.F.R. § 1630.2(m).

The AJ found that Complainant could no longer perform the essential functions of his carrier technician position. The AJ held that the parties stipulated that the essential functions of the Carrier Technician position included preparing and separating all classes of mail to be carried by truck to relay boxes along route for subsequent delivery; delivering mail along a prescribed route, on foot or by vehicle, on a regular schedule; picking up additional mail from relay boxes as needed; collecting mail from street letter boxes and accepting letters for mailing from customers; and on certain routes, delivering mail that consist exclusively of parcel post. The physical demands of the position included heavy lifting up to 70 pounds, carrying 45 pounds and over, pushing, pulling, reaching above shoulder, walking standing, repeated bending, and climbing. Complainant’s medical condition limited him from reaching above his shoulders, no lifting/pushing/pulling over 20 pounds. As such, the AJ concluded that the record did not dispute that Complainant could not perform the essential functions of the Carrier Technician position.

The next question to address is whether Complainant was a qualified individual with a disability with respect to other positions, and as such, was eligible for reassignment to a vacant, funded position for which he could perform the essential functions. Reassignment is the reasonable accommodation of last resort and is required only after it has been determined that there are no effective accommodations that will enable complainant to perform the essential functions of his current position or all other reasonable accommodations would impose an undue hardship. King W. v. U.S. Postal Serv., EEOC Appeal No. 2019001070 (Mar. 20, 2019); Zachary K. v. Dep’t of Veterans Affairs, EEOC Appeal No. 0120130795 (Nov. 19, 2015).

The record showed that Complainant approached the Supervisor and asked for a reasonable accommodation in the form of a reassignment to another position. The AJ determined that, rather than engage in the interactive process when it was clear that Complainant was asking for a reassignment, the Supervisor sent out a blanket email to other offices asking generally if they had positions available for an individual with Complainant’s limitations. In addition, Complainant provided evidence that he had also been a 204B supervisor while stationed in New York.

As to the Window Clerk position, Complainant stated that he had previously performed the duties of a Window Clerk at his facility in Florida. Complainant testified that he could perform the duties of the Window Clerk position. However, Complainant was not asked to provide additional information as to when he was assigned to the Window Clerk position. The Supervisor stated that Complainant had worked the Window Clerk position. He averred that the Window Clerk position was not within Complainant's medical restrictions noting that the position required lifting of 45 pounds in order to receive and provide packages to customers. When the Supervisor was further questioned by Complainant's Attorney, he stated that there were individuals who could not lift 45 pounds due to age who served as Window Clerks. However, he stated that they could not accommodate anyone due to disability.

We note that during the hearing, the testimony provided by the Supervisor was inconsistent and unclear regarding whether he sought reassignment for Complainant to a Window Clerk position.<sup>2</sup> Complainant asserted that he could have been reassigned to either of those positions and he would have been able to perform their essential functions. However, the AJ ultimately concluded that Complainant's reasonable accommodation claim failed because he failed to show that there were vacant positions available to which he could have been reassigned.

Complainant stated that management could have given him the reasonable accommodations he had requested. He stated that they failed to engage in the interactive process. Instead, Complainant was provided with a modified carrier position in March 2014. Complainant accepted the position in March 2014. However, upon the first day he performed the modified position, Complainant called the Agency to inform them that his body was in pain and he could not complete the duties of the modified position.

As the AJ found, the Agency failed to engage in the interactive process following Complainant's request for accommodation. However, as correctly stated by the AJ, the Agency cannot be held liable solely for a failure to engage in the interactive process. Liability attaches when the failure to engage in the interactive process results in the agency's failure to provide reasonable accommodation. Broussard v. U.S. Postal Serv., EEOC Appeal No. 01997106 (Sept. 13, 2002), req. to recon. den'd, EEOC Request No. 05A30114 (Jan. 9, 2003). The sole purpose of the interactive process is to facilitate the identification of an appropriate reasonable accommodation, and an agency's failure to engage in this process does not give rise to a separate cause of action because the interactive process is not an end in itself. Broussard, supra.

Here, we find that the record is inadequate to determine whether the Agency fulfilled its obligations under the Rehabilitation Act. The investigation should have disclosed more information (if available) about Complainant's condition, including what duties or jobs he could have performed within those restrictions. The investigation also should have identified any available positions into which Complainant could have been reassigned, and the investigator should have given

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<sup>2</sup> The Supervisor's responses to questions regarding his search for a Window Clerk position ranged from "yes" to "no" to "I don't know" to "I didn't do it right. I might have just messed it up." Hearing Transcript, p. 318 – 233.

Complainant an opportunity to address whether he could have performed the essential functions of the vacant positions with or without reasonable accommodation. Complainant's Attorney attempted to enter into evidence at the hearing a list of vacant Window Clerk positions during the relevant time created by the Union. However, the Agency challenged the introduction of the list at the hearing because a Union official was not on the stand to authenticate the list. Therefore, the list was not considered by the AJ during the hearing. As such, it appears that there was evidence that could have been entered during the investigation and/or discovery process which could have provided more information for the AJ.

We also note that the Supervisor and the Agency's investigation limited the scope of its search for a reassignment to a 50 mile radius without explanation. We remind the Agency that the Rehabilitation Act contains no language limiting the obligation to reassign only to positions within a particular radius. Rather, the extent to which an employer must search for a vacant position will be an issue of undue hardship. Enforcement Guidance at Question # 27; see 29 C.F.R. § 1630.2(o)(2)(ii); see also, Hampton v. U.S. Postal Serv., EEOC Appeal No. 01986308 (Aug. 1, 2002) (advising that 29 C.F.R. § 1614.203(b) applies to federal sector reassignment cases and provides, among other things, a broader search for a vacancy citing Enforcement Guidance Questions # 25-30). Therefore, as constructed, the record is insufficient for us to determine whether the Agency satisfied its obligation to provide Complainant with a reasonable accommodation.

In litigation, an employee seeking reassignment as a reasonable accommodation generally must make a facial showing that there existed a vacant, funded position whose essential functions the employee could perform. See, e.g., Mengine v. Runyon, 114 F.3d 415, 418 (3d Cir. 1997); see also Hampton, supra, (complainant can establish that vacant, funded positions existed by producing evidence of particular vacancies or by showing that s/he was qualified to perform a job or jobs that existed at the agency and there were trends or patterns of turnover in the relevant jobs so as to make a vacancy likely during the time period). However, we note that during the interactive process, the Agency is in the best position to know which jobs are vacant or will become vacant within a reasonable period of time and is therefore obligated to expeditiously inform Complainant about vacant positions for which he might be eligible in a reassignment. Enforcement Guidance, Question # 28; Bill A. v. Dep't of the Army, EEOC Appeal No. 0120131989 (Oct. 16, 2016) (investigator must obtain relevant information about the availability of vacant, funded positions).

During the investigative stage of the federal administrative process, the Agency has an obligation to develop an adequate investigative record. 29 C.F.R. § 1614.108. "An appropriate factual record is one that allows a reasonable fact finder to draw conclusions as to whether discrimination occurred." Id. § 1614.108(b). The investigator must conduct a thorough investigation, "identifying and obtaining all relevant evidence from all sources regardless of how it may affect the outcome." EEO MD-110, Chap. 6 § V.D. Therefore, the investigator must exhaust those sources of information likely to support the positions of the complainant and the agency. Id.

The investigative record in this case is inadequate. Accordingly, we have no choice but to remand this matter for a supplemental investigation as to whether Complainant could be accommodated, specifically as related to vacant, funded positions available for reassignment that Complainant

could perform; and any other pertinent information. We note that the Agency's obligation under the Rehabilitation Act to offer a reassignment is not limited to vacancies within a particular department, facility, or geographical area. Bill A. v. Dep't of the Army, *supra*. As stated above, the "extent of the agency's search for a vacant position is an issue of undue hardship." *Id.*

Based on the foregoing, we find that the record was not adequately developed. An appropriate factual record is one that allows a reasonable fact finder to draw conclusions as to whether a violation of the discrimination statute occurred. Therefore, the Commission will remand this matter for a supplemental investigation.

#### *Disparate Treatment – Claims 4 and 5*

Based on the Agency's failure to provide him with a reasonable accommodation, Complainant asserted that the Agency subjected him to disciplinary actions in the forms of letters of warning issued on April 12, 2014. The record on the disparate treatment claim is likewise insufficient to support a finding on the merits. As we are remanding the denial of reasonable accommodation claim for further investigation, we also find it appropriate to remand claims 4 and 5 which allege Agency actions that resulted from the failure to accommodate.

### CONCLUSION

Based on a thorough review of the record and the contentions on appeal, including those not specifically addressed herein, we VACATE the Agency's final order and REMAND Complainant's complaint for further processing in accordance with the Order below.

### ORDER TO SUPPLEMENT RECORD (B0617)

Within **sixty (60) calendar** days of date this decision is issued, the Agency shall conduct and complete a supplemental investigation consistent with the requirements of 29 C.F.R. § 1614.108(b), in EEO MD-110, Chapter 6 and consistent with this decision. The supplemental investigation shall include, but is not limited to, whether and to what extent the Agency provided Complainant with a reasonable accommodation beginning on or around October 26, 2013. This investigation shall encompass the following elements: whether Complainant's medical condition could be accommodated within his position; whether any accommodations were available within his medical restrictions on or around October 26, 2013; whether positions were available for reassignment as of October 26, 2013; and any other pertinent information that the investigation reveals.

Upon completion of the investigation, the Agency must provide the Complainant with a copy of the supplemental record and findings and return the completed record to the Compliance Officer, as referenced below. The Complainant may, **within fifteen (15) days** of receipt of the supplemental record, submit a statement concerning the supplemental record to the Compliance Officer. Upon receipt by the Compliance Officer, the supplemental record will be included in the appeal file and the appeal will be processed appropriately.



In accordance with Equal Employment Opportunity Management Directive for 29 C.F.R. Part 1614 (EEO MD-110), at Chap. 9 § IX.E (Aug. 5, 2015), the Agency shall give priority to this remanded case in order to comply with the time frames contained in this Order. The Office of Federal Operations will issue sanctions against agencies when it determines that agencies are not making reasonable efforts to comply with a Commission order to investigate a complaint.

The Agency is further directed to submit a report of compliance in digital format as provided in the statement entitled “Implementation of the Commission’s Decision.” The report shall be submitted via the Federal Sector EEO Portal (FedSEP). See 29 C.F.R. § 1614.403(g). Further, the report must include evidence that the directed action has been taken.

#### 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 (M0617)

The Commission may, in its discretion, reconsider the decision in this case if the Complainant or the Agency submits a written request containing arguments or evidence which 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 to reconsider, with supporting statement or brief, must be filed with the Office of Federal Operations (OFO) **within thirty (30) calendar days** of receipt of this decision. A party shall have **twenty (20) calendar days** of receipt of another party's timely request for reconsideration in 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). All requests and arguments must be submitted to the Director, Office of Federal Operations, Equal Employment Opportunity Commission. Complainant's request may be submitted via regular mail to P.O. Box 77960, Washington, DC 20013, or by certified mail to 131 M Street, NE, Washington, DC 20507. In the absence of a legible postmark, the request to reconsider shall be deemed timely filed if it is received by mail within five days of the expiration of the applicable filing period. See 29 C.F.R. § 1614.604. The agency's request must be submitted in digital format via the EEOC's Federal Sector EEO Portal (FedSEP). See 29 C.F.R. § 1614.403(g). The request or opposition must also include proof of service on the other party.

Failure to file within the time period will result in dismissal of your request for reconsideration as untimely, unless extenuating circumstances prevented the timely filing of the request. Any supporting documentation must be submitted with your 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(c).

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

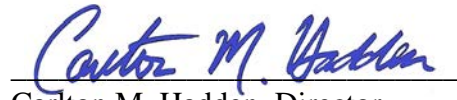
This is a decision requiring the Agency to continue its administrative processing of your complaint. However, if you wish to file a civil action, you have the right to file such action in an appropriate United States District Court **within ninety (90) calendar days** from the date that you receive this 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

September 22, 2020

Date