



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

[REDACTED]
Zonia C.,¹
Complainant,

v.

William P. Barr,
Attorney General,
Department of Justice
(Federal Bureau of Investigation),
Agency.

Appeal No. 2019001854

Hearing No. 451-2015-00150X

Agency No. BOP-2014-0576

DECISION

On November 14, 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 October 26, 2018, final order concerning her equal employment opportunity (EEO) complaint alleging employment discrimination in violation of Title VII of the Civil Rights Act of 1964 (Title VII), as amended, 42 U.S.C. § 2000e et seq. For the following reasons, the Commission VACATES the Agency's final order.

ISSUE PRESENTED

The issue presented is whether the AJ erred in determining that the record was adequately developed for summary judgment in the Agency's favor.

BACKGROUND

At the time of events giving rise to this complaint, Complainant worked as a Human Resources Specialist, GS-9, at the Agency's Federal Correctional Institution (FCI) in Three Rivers, Texas.

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.

Complainant began working with the Agency in February 2014, and had no prior experience working with a Human Resources Department within the federal government.

Complainant stated that during the first few weeks on the job, she observed her first-line supervisor, the Human Resources Manager (African-American/Black) (S1), make a racial slur directed toward White members of the FCI Three Rivers staff. Specifically, Complainant stated that S1 called her into her office and told her that “African-American people needed to stick together because other staff members do not like African-American people, and they are against [S1] because she is the only African-American female manager at FCI Three Rivers.” Complainant averred that a few weeks later, S1 called her into her office and stated, “You remember what I was telling you earlier. Look how they announced my daddy’s death and look how they announced [named co-worker’s] daddy’s death. You see how these crackers do me.” Complainant stated that she observed that S1 was under the impression that other members of the FCI Three Rivers staff were prejudiced against S1 because of her race. Complainant added that during a conversation with a Staff Psychologist (African-American, Black, unknown EEO activity), they discussed S1 and the colleague indicated that S1 said something to the effect of trying to make her “feel like the Blacks against the Whites.”

On May 8, 2014, Complainant requested a meeting with the Warden (unknown race, color, and protected activity) to discuss what she described as a hostile work environment. At that meeting, Complainant presented the Warden with a memo detailing her allegations of the alleged hostile work environment. In that memo, Complainant described her early interactions with S1, including a conversation where S1 made racial comments to her regarding management staff. Complainant never reported to management that she was the target of any racial slurs by any FCI Three Rivers staff member, or that she was the subject of a specific threat of physical violence by S1. However, the Warden stated that once he was aware of the alleged racial slur, he assembled a Threat Assessment Committee to gather facts regarding the incident. The Threat Assessment Committee confirmed that S1’s comments were not directed to Complainant and determined that the subject of the alleged comments “did not feel threatened nor did she feel that she worked in a hostile work environment.” The Threat Assessment Committee concluded that a threat did not exist to the individual Complainant had indicated.

In Complainant’s memo to the Warden, she alleged that she was receiving inadequate access to training. Discipline-specific training within the Bureau of Prisons (BOP) is customarily provided in several ways: web-based training, on-the-job training, or in-person training at the Agency’s Management and Specialty Training Center. Formal training can be delayed due to space and budgetary considerations. As Head of the Human Resource Department, S1 was responsible for providing Complainant with on-the-job training and supervision as necessary. On May 27, 2014, S1 requested formal training for Complainant at the Management and Specialty Training Center in the areas of Basic Employee/Labor Relations, Staffing and Placement, or Position Classification pending available openings. Complainant was provided with additional on-the-job training by S1 and access to various online trainings relevant to her assigned tasks. The Associate Warden (Hispanic, White, unknown EEO activity) stated that he was familiar with the training plan created by S1 for Complainant and that he followed up with S1 when Complainant made her training needs

known. He added that he contacted the Director of the Management and Specialty Training Center to expedite Complainant's formal training. Complainant's training records indicate from February 2014 through August 2014, she participated in 15 training courses.

Following the May 8, 2014 meeting, the Associate Warden took a more significant role in daily management of the Human Resource Department. Specifically, on June 2, 2014, each staff member was instructed to route all interoffice communication and leave requests through the Associate Warden.

In June 2014, Complainant informed the Warden about an issue with obtaining leave approval from S1. The Warden stated that once he was aware of the issue, he authorized Complainant to take leave and addressed Complainant's allegations with S1. Complainant's time and attendance records do not reflect leave denials or that Complainant was charged with Absence Without Leave (AWOL).

Complainant alleged that there was also an issue with her SF-50 and that S1 threatened her status as a permanent employee. The Warden stated that once he became aware of the issue, Complainant was reassured that S1 was not authorized to remove Complainant and the Associate Warden was instructed to counsel S1 regarding the alleged removal statements. The Associate Warden indicated that he spoke with S1 and S1 denied making the alleged comments to Complainant.

Complainant further raised concerns regarding the timeliness of her performance evaluation. The Associate Warden reported that he followed up with S1 and Complainant's prior employer. He stated that the delay was due to the transmittal of paperwork from Complainant's prior institution, but ultimately, Complainant received her evaluation.

On August 15, 2014, Complainant filed an EEO complaint alleging that the Agency discriminated against her on the bases of race (African-American), color (Black), and reprisal for prior protected EEO activity under Title VII of the Civil Rights Act of 1964 when: from February 2014 through August 6, 2014, she was subjected to a hostile work environment by being exposed to racial slurs, lack of guidance and training, delayed approvals of leave requests, not receiving work appraisals, threats regarding being removed from her position, threats of physical violence, and being pressured not to write a memo reporting alleged harassment by her supervisor. Complainant also alleged that management failed to act on her reports of a hostile work environment.

At the conclusion of the investigation, the Agency provided Complainant with a copy of the report of investigation (ROI) and notice of her right to request a hearing before an Equal Employment Opportunity Commission Administrative Judge (AJ). Complainant timely requested a hearing. Over Complainant's objections, the AJ assigned to the case granted the Agency's November 25, 2015, motion for a decision without a hearing and issued a decision without a hearing on September 11, 2018.

In the decision, the AJ determined that Complainant failed to state a claim because the alleged incidents were not of sufficient severity or pervasiveness to constitute an actionable claim. The AJ further noted that the record evidence failed to support a showing that Complainant was

subjected to an adverse employment action. She explained that the underlying facts of Complainant's allegations were not in dispute and Complainant did not suffer a harm or loss with respect to a term, condition, or privilege of employment for which there is a remedy.

The AJ found that even if Complainant could state a proper claim of discrimination, the record evidence is insufficient to show that Complainant was subjected to disparate treatment compared to similarly situated individuals outside her protected class. Moreover, Complainant cannot establish a prima facie case of reprisal because she conceded that she did not engage in any prior EEO activity. As for a hostile work environment, the AJ found that not only is the record evidence insufficient to support the claim of a hostile work environment, but it is further insufficient to show that the alleged harassment was based on Complainant's protected classes. The AJ noted that the undisputed record does not support Complainant's claims that her work performance was unreasonably interfered with or that any conditions of her employment were altered.

The AJ further determined that Complainant's allegations of discrimination are directly contradicted by the undisputed record evidence. Specifically, the record establishes that Complainant's leave requests were approved; Complainant was never charged with AWOL; the appraisal was delayed because of Complainant's prior employer; and Complainant received training. Regarding threats of removal, the AJ found that S1 was not authorized or empowered to remove Complainant and once Complainant apprised management of concerns, Complainant was assured that S1 had no authority to do so and took action to convert Complainant to a permanent posting. As for racial slurs, the AJ found that the racial slur was not directed to a particular staff member and was reviewed by a Threat Assessment Committee. Moreover, Complainant did not report to management that she was the subject of a specific physical threat by S1.

The AJ found that Complainant proffered nothing to suggest that S1's actions were a result of Complainant's race. Rather, Complainant portrayed S1 as wanting Complainant to be prejudiced along with her. The AJ concluded that even assuming all of Complainant's allegations are true, S1's alleged mistreatment of Complainant was based on Complainant's failure to support S1's prejudice in the workplace, which the AJ stated is not a protected class under Title VII and does not support a race-based claim of discrimination. Further, by Complainant's own admission, management officials were responsive to her concerns when raised. Therefore, the AJ determined that the Agency articulated non-discriminatory reasons for its actions along with evidence that it took prompt corrective remedial action. Finally, the AJ found that Complainant proffered no evidence to show that the Agency's legitimate, non-discriminatory reasons were pretextual.

The Agency subsequently issued a final order adopting the AJ's finding that Complainant failed to prove that the Agency subjected her to discrimination as alleged. However, in the final order, the Agency "strongly urge[d]" Complainant to appeal the AJ's decision. The Agency asserted that there were serious issues with the AJ's findings and conclusions. Specifically, the Agency argued that the AJ applied an erroneous legal standard for assessing a claim of harassment.

The Agency stated that the AJ incorrectly concluded that Complainant had not established a claim of discrimination because she proffered nothing to suggest that S1's actions directed at

Complainant were a result of Complainant's race. In support, the Agency argued that the AJ failed to grasp the basis of Complainant's race discrimination claim; failed to recognize that racial slurs, in and of themselves, as described in the record, may be sufficiently severe to constitute a hostile work environment even if the derogatory comments were not aimed at Complainant or at a person of Complainant's protected class; and erroneously determined that because Complainant was not the target of S1's racial animus, she could not be considered aggrieved. The Agency noted that there is no dispute that a third party, such as Complainant, who is subjected to statements and epithets that denigrate another person of a race other than that of the third party may legitimately raise a claim of race harassment and may also raise a claim of retaliation for opposing such statements. The Agency stated that by limiting the analysis of a race-based claim to exclude third parties, the AJ failed to examine the actual impact of S1's racial comments on Complainant and if Complainant's multiple exposures to derogatory remarks constitute severe or pervasive action by S1. The Agency added that the AJ failed to assess whether the racial slurs had the effect of poisoning the work environment and affecting third party individuals such as Complainant.

Despite its adoption of the AJ's finding that Complainant failed to prove that the Agency subjected her to discrimination, the Agency recommended remanding the matter for an administrative hearing. The Agency asserted that dates of reported incidents and management responses are missing from the record, which are important for assessing the promptness of management's responses. The Agency maintained that the record needs further development regarding management's response to Complainant's concerns and issues with S1's behavior. For example, the Agency failed to produce documentary evidence related to the threat assessment investigation. The Agency noted that further development is needed regarding Complainant's allegation that S1 threatened her with physical harm while in a van pool and that the record contains contradictory accounts as to whether the Associate Warden dissuaded Complainant from submitting a memorandum to the Warden in which she planned to set out her complaints against S1.

CONTENTIONS ON APPEAL

On appeal, Complainant argues, among other things, that the ROI omitted or misrepresented facts. Complainant claims that procedural errors occurred in the processing of her complaint and that there are still genuine issues of disputed material facts. Complainant contends that witness statements support a finding that S1 acted based on her race and that witness statements further support her allegations of lack of guidance and training, delayed approvals on leave requests, lack of work appraisals, threats of removal, threats of physical violence, and pressure to not write a memo reporting the alleged harassment. Complainant maintains that all levels of management were aware of ongoing discrimination and failed to act. Complainant claims that the Agency fragmented her claims.

Despite the Agency's final decision, the Agency contends in response to Complainant's appeal that the AJ correctly determined that Complainant was not an aggrieved employee and had not been subjected to a severe or pervasive hostile work environment. The Agency states that Complainant failed to establish standing for her complaint or a prima facie case of hostile work environment harassment, and therefore, no further development of the record is warranted. The

Agency adds that while additional factual development is necessary regarding: (1) the chronology of events, (2) supporting documentation for the threat assessment, (3), management's awareness of comments made in the van pool, and (4) the Associate Warden's conversation with Complainant about her report, this further development would not impact either the AJ's "adverse employment action" or "severe or pervasive" analyses.

STANDARD OF REVIEW

In rendering this appellate decision, we must scrutinize the AJ's legal *and* factual conclusions, and the Agency's final order adopting them, de novo. See 29 C.F.R. § 1614.405(a) (stating that a "decision on an appeal from an Agency's final action shall be based on a de novo review . . ."); see also Equal Employment Opportunity Management Directive for 29 C.F.R. Part 1614 (EEO MD-110), at Chap. 9, § VI.B. (Aug. 5, 2015) (providing that an administrative judge's determination to issue a decision without a hearing, and the decision itself, will both be reviewed de novo). This essentially means that we should look at this case with fresh eyes. In other words, we are free to accept (if accurate) or reject (if erroneous) the AJ's, and Agency's, factual conclusions and legal analysis – including on the ultimate fact of whether intentional discrimination occurred, and on the legal issue of whether any federal employment discrimination statute was violated. See id. at Chapter 9, § VI.A. (explaining that the de novo standard of review "requires that the Commission examine the record without regard to the factual and legal determinations of the previous decision maker," and that EEOC "review the documents, statements, and testimony of record, including any timely and relevant submissions of the parties, and . . . issue its decision based on the Commission's own assessment of the record and its interpretation of the law").

ANALYSIS AND FINDINGS

We determine whether the AJ appropriately issued the decision without a hearing. The Commission's regulations allow an AJ to issue a decision without a hearing upon finding that there is no genuine issue of material fact. 29 C.F.R. § 1614.109(g). EEOC's decision without a hearing regulation follows the summary judgment procedure from federal court. Fed. R. Civ. P. 56. The U.S. Supreme Court held summary judgment is appropriate where a judge determines no genuine issue of material fact exists under the legal and evidentiary standards. Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 255 (1986). In ruling on a summary judgment motion, the judge is to determine whether there are genuine issues for trial, as opposed to weighing the evidence. Id. at 249. At the summary judgment stage, the judge must believe the non-moving party's evidence and must draw justifiable inferences in the non-moving party's favor. Id. at 255. A "genuine issue of fact" is one that a reasonable judge could find in favor for the non-moving party. Celotex v. Catrett, 477 U.S. 317, 322-23 (1986); Oliver v. Digital Equip. Corp., 846 F.2d 103, 105 (1st Cir. 1988). A "material" fact has the potential to affect the outcome of a case.

An AJ may issue a decision without a hearing only after determining that the record has been adequately developed. See Petty v. Dep't of Def., EEOC Appeal No. 01A24206 (July 11, 2003).

Upon review of the record, we determine that the AJ erred in issuing a decision without a hearing because the record was not adequately developed. Notably, the Agency conceded that the record was not adequately developed in four areas: (1) the chronology of events; (2) whether a threat assessment took place; (3) the alleged physical threat in the van pool; and (4) whether the Associate Warden dissuaded Complainant from submitting a memorandum to the Warden regarding her issues with S1. We agree that the record requires further investigation in these areas.

Regarding the chronology of events, the record does not provide specific information to ascertain when management officials learned of Complainant's allegations regarding S1's behavior and actions, and when they responded to her allegations of harassment. The record further lacks specific dates pertaining to when and if a threat assessment took place. The Investigator noted in a memorandum that the Agency failed to produce documents relating to any formal threat assessment and the testimony provided in the record reveals conflicting statements regarding the matter. During the discovery phase, Complainant filed a Motion to Compel Discovery, requesting documents relating to management's corrective actions in response to her harassment allegations. The Agency invoked the Privacy Act and did not produce any documents. The AJ accepted the Agency's justification and denied Complainant's Motion to Compel Discovery. We find that the AJ failed to narrow the scope of the document request to determine whether a threat assessment was ever conducted.

As for the van pool incident, Complainant asserted, and witnesses corroborated, that S1 implicitly threatened her with physical harm while in the van pool. However, the record is devoid of information indicating what, if anything the Agency did in response to S1's hostility toward Complainant.

Complainant alleged that the Associate Warden made comments to dissuade her from submitting a memorandum to the Warden regarding her issues with S1. Complainant and a witness indicated that the Associate Warden told Complainant that writing the memorandum would "make it worse" because S1 was "good with the pen," while the Associate Warden denied ever dissuading Complainant to submit the memorandum. Therefore, there are genuine issues of material fact and the record needs further development.

Finally, we agree with the Agency that the AJ failed to consider that racial slurs, in and of themselves, may be sufficiently severe to constitute a hostile work environment, even if the derogatory comments were not aimed at the complainant or a member of the complainant's protected class. The Commission has recognized that in some circumstances, harassment of one or more employees may create a hostile work environment for another employee who is not the target of harassment. See Complainant v. Dep't of Treasury, EEOC Appeal No. 0120131775 (Apr. 1, 2015); Complainant v. Dep't of Homeland Sec., EEOC Appeal No. 0120162491 (July 25, 2018).

Because of the deficiencies in the record, we find that the AJ erred in determining that the record was adequately developed for summary judgment. We note that the hearing process is intended to be an extension of the investigative process, designed to ensure that the parties have a "fair and reasonable opportunity to explain and supplement the record and, in appropriate instances, to

examine and cross-examine witnesses.” Equal Employment Opportunity Management Directive for 29 C.F.R. Part 1614 (EEO MD-110), at Chap. 7, § I (Aug. 5, 2015); 29 C.F.R. § 1614.109(e). “Truncation of this process, while material facts are still in dispute and credibility of witnesses is still ripe for challenge, improperly deprives Complainant of a full and fair investigation of her claims.” Bang v. U.S. Postal Serv., EEOC Appeal No. 01961575 (Mar. 26, 1998); Peavley v. U.S. Postal Serv., EEOC Request No. 05950628 (Oct. 31, 1996); Chronister v. U.S. Postal Serv., EEOC Request No. 05940578 (Apr. 25, 1995). In summary, there are too many unresolved issues which require an assessment as to the credibility of the various management officials, coworkers, and Complainant herself. Therefore, judgment as a matter of law for the Agency should not have been granted as to Complainant’s hostile work environment claim. We remand Complainant’s harassment claim for further investigation and a hearing.

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 the complaint for compliance with this decision and the ORDER below.

ORDER (B0617)

Within **one hundred twenty (120) days** of receipt of this order, the Agency shall conduct a supplemental investigation, to include the following actions:

- a) Further investigate the timeline of events pertaining to Complainant’s reports of S1’s use of racial slurs in the workplace and any corrective action taken subsequent to management’s knowledge of the alleged incidents;
- b) Obtain documentation relating to any threat assessment conducted by management officials, including relevant dates, findings, and any other relevant information relating to management officials’ investigation into Complainant’s harassment allegations;
- c) Provide documentary evidence (including race, color, and prior EEO activity) into the number and frequency of threat assessments, and the reasons for those investigations; and
- d) Obtain statements regarding the van pool incident, including management officials’ knowledge of the incident, and any corrective action relating to this incident.

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.

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 (M0620)

The Commission may, in its discretion, reconsider this appellate decision if the 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 his or her request for reconsideration, and any statement or brief in support of his or her request, via the EEOC Public Portal, which can be found at

<https://publicportal.eeoc.gov/Portal/Login.aspx>.

Alternatively, complainant can submit his or her 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, 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 his or her 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(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