



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

[REDACTED]
Hui E.,¹
Complainant,

v.

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

Appeal No. 2019005164

Hearing No. 570201800205X

Agency No. FBI201700057

DECISION

Complainant timely appealed to the Equal Employment Opportunity Commission (“EEOC” or “Commission”), pursuant to 29 C.F.R. § 1614.403, from a June 28, 2019 Final Agency Decision (“FAD”) concerning an 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.

BACKGROUND

At the time of events giving rise to this complaint, Complainant worked for the Agency as a Management and Program Analyst, GS-14, for the Agency’s Counterintelligence Division (“CD”) in Washington, DC.

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.

On May 8, 2017,² Complainant filed an EEO complaint alleging that she had been subjected to a hostile work environment and discrimination by the Agency on the bases of sex (female), race (American Indian), disability,³ and reprisal (prior protected activity) when:

1. On October 12, 2016, her first level supervisor (“S1”) spoke to her in a derogatory tone of voice,
2. On December 1, 2016, S1 spoke to her in a loud tone of voice,
3. On December 21, 2016, Management informed her that she failed her Performance Improvement Plan (“PIP”), and,
4. On June 1, 2017, the Agency terminated her employment.

The Agency accepted the complaint and conducted an investigation which revealed the following relevant evidence.

In June 2016, Complainant was transferred to the Western Hemisphere Unit of the CD’s Global Section (“GS”). Complainant’s first level supervisor (“S1”) (female, Asian-American, 35) was a Supervisory Special Agent, and her second level supervisor (“S2”) (male, Caucasian, 43) was the Unit Chief. Among other things, Complainant was responsible for working with Agency Field Offices to either fulfill information requests, or format information provided by the FO into electronic communications (“ECs”) to be sent to upper management. Complainant was also responsible for providing a Nightly Report three times a week.

In July 2016, S1 informed Complainant that her work needed to improve, as she was performing below the “minimally successful” criteria for a GS-14 analyst. Complainant felt she had not worked at the Global Section long enough for S1 to make such an assessment and, given that S1 knew and spoke with Complainant’s former supervisor (the subject of her prior EEO activity), concluded that S1 was “targeting” her. S1 acknowledges that Complainant’s former supervisor told her that Complainant had past “performance problems,” and that she became aware Complainant engaged in prior EEO activity, but contends it was unrelated to her treatment of Complainant. S2’s Performance Tracker spreadsheet for June 22, 2016 through August 9, 2016, supports S1’s assessment of Complainant’s performance, revealing, among other things, that despite receiving guidance, materials, and training, Complainant repeatedly failed to construct the Nightly Report, and her other work product required multiple drafts.

² Complainant amended her complaint to include Claim 4 and disability as a basis for discrimination on July 11, 2017.

³ Neither during the investigation nor on appeal has Complainant explained the nature of her asserted disability, and the record contains no related medical evidence.

From August 27, 2016 to September 15, 2016 Complainant was on sick leave. Even taking Complainant's absence into consideration, S1 and S2 felt that she still was not performing at grade level and had not made sufficient improvement as she was not yet meeting the minimal requirements of her position.

On September 21, 2016, Complainant was placed on a Performance Improvement Plan ("PIP"). S2 informed Complainant that her performance was Unacceptable in three of the Critical Elements ("CE") for a GS-14 analyst. Specifically, the PIP identified CE#1 Organizing Planning and Coordinating, CE#2 Acquiring, Applying and Sharing Job Knowledge, and CE#3 Researching and Analyzing. The PIP provided specific expectations for Complainant so that she could meet the Minimal Requirements for each CE. Complainant was also notified that if she was unable to improve her performance in the three CEs from Unacceptable to Minimally Successful, within the 90-day PIP, she could face termination.

In accordance with the PIP, S1 and S2 met with Complainant to discuss her progress every week. On days where S2 was unavailable the Acting Section Chief ("ASC") (female, white, 44) would sit in on the meetings. Likewise, when S1 was on military leave, another supervisor ("S3") (Caucasian, male, 43) attended the weekly meetings and provided Complainant with assistance on a day-to-day basis. As with S1 and S2, both ASC and S3 testify to their surprise that Complainant was a GS-14. According to ASC, Complainant "lacked basic knowledge of Counterintelligence investigations." S3 testified that Complainant "had difficulty writing basic sentences and often had questions about things she should have mastered years prior."

Per S2's instructions, S1 and S3 maintained a detailed Performance Log throughout the PIP. The Log reveals that Complainant regularly submitted work, such as Nightly Reports and Electronic Communications which were incomplete or unusable without heavy editing. Both S1 and S3 notated in the Log that they regularly provided Complainant with resource materials and instructions, as well one-on-one training for the same tasks, such as uploading emails to Sentinel. The Log shows that on October 19, 2016, S2 asked Complainant if she was getting everything she needed, and Complainant responded "yes." Then, on November 2, 2016, Complainant notified ASC that she had not received proper training from S1. After reviewing her training records and consulting S1 and S2, ASC informed Complainant that she had received training, but instructed her to provide a list of the training she felt she needed. Complainant does not appear to have done so.

On October 12, 2016, S1 instructed Complainant to prepare the Nightly Report, then allegedly yelled at Complainant in a derogatory tone when Complainant could not find the necessary information to include in the report in Sentinel. According to Complainant, S1 ended up writing the report herself, and later "apologized for her rude behavior." S1 testified that she did not recall the details of this event, but noted that Complainant "was often unable to complete even the simplest tasks. Despite this I always tried to help [Complainant] in a professional manner and genuinely wanted her to succeed." S1 denies ever using a derogatory tone with Complainant.

On December 1, 2016, Complainant and S1 engaged in a verbal altercation that was overheard by another analyst working in a nearby cubicle. The analyst emailed ASC, stating that she overheard S1 ask Complainant to look up a case, and it seemed that Complainant did not know how. Then Complainant, using a raised voice stated, “[S1] today is not the day for this. You better go ahead and sit back down at your desk now.” The analyst’s email stated that Complainant’s tone was so alarming and confrontational, that it made her “feel extremely uncomfortable,” and that she “thought [Complainant] was preparing to hit [S1].” S1 recounts that she pointed to an icon on Complainant’s computer screen, as she could not seem to find where to open Sentinel, which is when Complainant raised her voice at her. Complainant recounts S1 raising her voice, and states that she explained to ASC that she did not raise her voice. ASC reassigned Complainant to S3 as her first level supervisor.

On December 21, 2016, ASC called a meeting with S2, S3, and Complainant to notify Complainant that she had failed her PIP. S3 testified that he was aware of Complainant’s performance issues under S1, but when Complainant was reassigned to him, he made a point of starting with a “clean slate.” However, his entries into the Performance Log are consistent with those of S1, and S3 ultimately determined that Complainant did not exhibit improvement to “Minimally Successful” for any of the three CEs, despite his (and others’) efforts to assist her. Additionally, the record reflects that Complainant failed to take actions directed under the PIP, including maintaining a log of her work in order to track her progress, as directed by S2 on September 30, 2016 and October 19, 2016. She also exhibited a “lack of candor” with respect to obtaining assistance from the other analysts, which she was expressly instructed not to do under the terms of the PIP.

On March 17, 2017, S3 submitted a “Recommendation for Removal” to the Agency’s Human Resources (“HR”) Employee Services Division (“ESD”) with the approval of ASC, S2, the CD Deputy Assistant Director (“DAD”) and CD Assistant Director (“AD”). The document lists specific examples of Complainant’s unacceptable performance for each of the CEs. It also explained that no demotions or reassignments were available in lieu of termination because of Complainant’s “inability to prioritize assignments, conduct research and analysis, or prepare and review basic documents, which is vital in the position of Management and Program Analyst, the extraordinary high error rate and number of repeat errors on these documents, the potential impact of such errors, and the close and extensive supervision required to monitor [Complainant’s] performance in this area.” The only other vacancy within the division, Staff Operations Specialist, required the organizational skill sets in CE 1, 2, and 3. The HR Section Chief for ESD, approved the recommendation.

On April 10, 2017, the HR Section Chief for ESD issued Complainant a “Proposed Removal” based on her failure to improve to a “minimally successful” level in CE 1, 2 and 3 during her PIP. The Proposed Removal provided Complainant with the opportunity to reply orally or in writing, to the Acting Executive Assistant Director, which she took, through a legal representative. On May 31, 2017, the AEAD Human Resources notified Complainant that having considered her responses, and the evidence provided by the Agency, he determined that Complainant would be removed from employment with the Agency as “a result of [Complainant’s] unacceptable level of

performance.” He explained that based on his review, he concluded that the reasons for the removal were fully supported.

At the conclusion of its investigation, the Agency provided Complainant with a copy of the report of investigation and notice of her right to request a FAD or a hearing before an EEOC Administrative Judge (“AJ”). Complainant timely requested a hearing, but the AJ dismissed the hearing request on the grounds that Complainant failed to follow the AJ’s orders. The AJ remanded the complaint to the Agency, and the Agency issued a final decision pursuant to 29 C.F.R. § 1614.110(b). The FAD concluded that Complainant failed to prove that the Agency subjected her to discrimination as alleged.

The instant appeal followed.

ANALYSIS AND FINDINGS

As this is an appeal from a decision issued without a hearing, pursuant to 29 C.F.R. § 1614.110(b), the Agency’s decision is subject to *de novo* review by the Commission. 29 C.F.R. § 1614.405(a). See Equal Employment Opportunity Management Directive for 29 C.F.R. Part 1614, (“EEO MD-110”) at Chapter 9, § VI.A. (Aug. 5, 2015) (explaining that the *de novo* standard of review “requires that the Commission examine the record without regard to the factual and legal determinations of the previous decision maker,” and that EEOC “review the documents, statements, and testimony of record, including any timely and relevant submissions of the parties, and . . . issue its decision based on the Commission’s own assessment of the record and its interpretation of the law”).

AJ Abuse of Discretion

On appeal, Complainant argues that her complaint should be remanded for a hearing, because the AJ abused his discretion when he dismissed Complainant’s hearing request as sanctions for failure to follow his orders. The Commission’s regulations afford broad authority to AJs for the conduct of hearings. 29 C.F.R. § 1614.109 et seq.; EEO MD-110, Chap. 7, § III(D). An AJ has inherent powers to conduct a hearing and issue appropriate sanctions, including a default judgment. *Id.*; see Matheny v. Dep’t of Justice, EEOC Request No. 05A30373 (Apr. 21, 2005); Rountree v. Dep’t of the Treas., EEOC Appeal No. 07A00015 (July 17, 2001).

In general, the Commission has held that sanctions, while corrective, also act to prevent similar misconduct in the future and must be tailored to each situation, applying the least severe sanction necessary to respond to the party’s failure to show good cause for its actions, as well as to equitably remedy the opposing party. See Gray v. Dep’t of Defense, EEOC Appeal No. 07A50030 (Mar. 1, 2007), Rountree, Hale v. Dep’t of Justice, EEOC Appeal No. 01A03341 (Dec. 8, 2000).

The Commission has emphasized that the purpose of a sanction is to deter the underlying conduct of the non-complying party. See Barbour v. United States Postal Serv., EEOC Appeal No. 07A30133 (Jun. 16, 2005). The factors pertinent to “tailoring” a sanction, or determining whether

a sanction is, in fact, warranted, include: (1) the extent and nature of the non-compliance, including the justification presented by the non-complying party; (2) the prejudicial effect of the non-compliance on the opposing party; (3) the consequences resulting from the delay in justice, if any; and (4) the effect on the integrity of the EEO process. Gray v. Dep't of Defense, EEOC Appeal No. 07A50030 (Mar. 1, 2007); Voysest v. Soc. Sec. Admin., EEOC Appeal No. 01A35340 (Jan. 18, 2005).

On February 5, 2019, the AJ issued an "Order of Acknowledgement and Scheduling of Initial Teleconference" to the parties, which ordered them to attend a teleconference at 1:00 pm on February 14, 2019, and specified that "postponements will not be granted absent a prompt request in writing and a showing of good cause." On February 13, 2019, the Agency emailed Complainant with the teleconference number. On February 14, 2019, Complainant failed to call in, so the AJ issued her an "Order to Show Cause," directing Complainant to submit a formal response explaining why she violated the AJ's Acknowledgement Order by February 20, 2019. Both the Acknowledgement and Show Cause orders were sent to Complainant via email and standard mail, and both notified Complainant that failure to follow an AJ's orders may result in sanctions pursuant to 29 C.F.R. § 1614.109(f)(3), including, but not limited to dismissal of Complainant's hearing request.

On February 19, 2019, Complainant's legal representative ("LR") emailed the AJ, explaining that he had represented Complainant in the instant matter "in all prior communications" with the Agency, yet had been "excluded" from the AJ's communications. By LR's account, Complainant just became aware of the Acknowledgement and Show Cause Orders the day before, because she rarely checked her email, and the orders were sent to her old address. The AJ responded that nothing in the record indicated that Complainant designated a representative, and that Complainant was on notice that she must notify the parties of any change in representation or address. Regardless, the AJ directed Complainant to submit a formal response to the Show Cause Order, which he would consider. The AJ's February 27, 2019 "Order Dismissing Hearing Request," states that "no reply or response was forthcoming from the Complainant as of the date of the instant Order."

On appeal, Complainant alleges that the AJ abused his discretion by disregarding her "Formal Reply to the Show Cause Order," which she contends was submitted to the AJ on February 19, 2019. She included a copy of it with her appeal brief, but no proof of receipt, such as an email time stamp. The Agency, in opposition to the instant appeal, provided email evidence that Complainant submitted her formal response by email on February 27, 2019 at 5:31 pm, a week past the deadline in the Show Cause Order. The AJ's response email states that he already issued and mailed the dismissal earlier that day. There is no indication of abuse of discretion, rather the evidence supports noncompliance with AJ Orders, consistent with the sanction.

Alternately, Complainant argues that the AJ abused his discretion when he failed to ask the Agency during the February 14, 2019 Initial Conference if it was aware of any alternate "contact resources" for Complainant in light of her failure to respond. Complainant provides evidence that the Agency was familiar with LR. On August 6, 2018, before the hearing was assigned, she provided written

notice to the Agency designating LR as her representative, and that LR communicated with the Agency on Complainant's behalf about settling the instant complaint at least 14 times over the past year. We note that Complainant's hearing request did not reference LR or any representative. None of the documents in the ROI that were submitted to the AJ designated a representative for Complainant. Even if the AJ was aware Complainant designated a representative for discussing a settlement agreement, he had no way to know that Complainant intended for LR to represent her for her hearing as well. Moreover, he was under no obligation to ask the other party for information that it was Complainant's burden to provide. At all times, Complainant is responsible for proceeding the complaint whether or not a representative has been designated. See 29 C.F.R. §1614.605(e).

We find the AJ acted well within his discretion when he dismissed Complainant's Hearing Request and remanded her complaint to the Agency for a FAD as sanctions for failure to follow AJ's Orders.

Disparate Treatment

A claim of disparate treatment based on indirect evidence is examined under the three-part analysis first enunciated in McDonnell Douglas Corp. v. Green, 411 U.S. 792 (1973). For Complainant to prevail, he or she must first establish a *prima facie* case of discrimination by presenting facts that, if unexplained, reasonably give rise to an inference of discrimination, *i.e.*, that a prohibited consideration was a factor in the adverse employment action. McDonnell Douglas, 411 U.S. at 802; Furnco Construction Corp. v. Waters, 438 U.S. 567 (1978). The burden then shifts to the Agency to articulate a legitimate, nondiscriminatory reason for its actions. Texas Dep't. of Cmty. Affairs v. Burdine, 450 U.S. 248, 253 (1981). Once the Agency has met its burden, Complainant bears the ultimate responsibility to persuade the fact finder by a preponderance of the evidence that the Agency acted on the basis of a prohibited reason. St. Mary's Honor Ctr. v. Hicks, 509 U.S. 502 (1993).

This established order of analysis in discrimination cases, in which the first step normally consists of determining the existence of a *prima facie* case, need not be followed in all cases. Where the Agency has articulated a legitimate, nondiscriminatory reason for the personnel action at issue, the factual inquiry can proceed directly to the third step of the McDonnell Douglas analysis, the ultimate issue of whether Complainant has shown by a preponderance of the evidence that the Agency's actions were motivated by discrimination. U.S. Postal Serv. Bd. of Governors v. Aikens, 460 U.S. 711, 713-714 (1983); Hernandez v. Dep't. of Transp., EEOC Request No. 05900159 (June 28, 1990); Peterson v. Dep't. of Health and Human Serv., EEOC Request No. 05900467 (June 8, 1990); Washington v. Dep't. of the Navy, EEOC Petition No. 03900056 (May 31, 1990).

Here, the Agency's legitimate non-discriminatory reasons for determining Complainant had failed her PIP (Claim 3) and terminating her employment (Claim 4) were based on her documented work performance deficiencies and failure to improve after being placed on the PIP. The Agency demonstrated that it acted consistent with its policies and regulations when it placed Complainant on a PIP, and in its decision to terminate her employment based on her failure to improve her

performance to the Minimally Successful Level while on the PIP. Section 3.7.1 of the Agency's Human Resources Division's "Policy Performance Appraisal System, Policy Implementation Guide," states:

If it is determined an employee's performance is at the Unacceptable level in one or more CEs, the Rating Official is required to place the employee on a PIP. The opportunity period for the employee to raise his/her performance level to at least the Minimally Successful level is 90 calendar days... unless his/her performance in the CE(s) improves to at least the Minimally Successful level, the employee may be demoted, reassigned, or removed.

Here, Complainant's Rating Official, S2, determined that Complainant's performance was Unacceptable in CEs 1, 2, and 3, so he placed her on a PIP. The record contains a performance log from June through August maintained by S2, and supporting testimony from S1 and S2, demonstrating Complainant's work performance deficiencies that resulted in the Unacceptable ratings and the need to place her on a PIP.

On September 30, 2016, during the weekly performance review, S2 directed Complainant to maintain a daily log of activities. Complainant failed to offer any input on 74 days. She also failed to comply with the PIP requirement that she ask S1, S2, or other management officials for assistance, rather than rely on other analysts. S1 drafted a memo for the record criticizing Complainant when, on November 14, 2016, Complainant obtained assistance from an analyst outside the Division, giving rise to a security concern.

Complainant's arguments that she did not improve during the PIP because she did not receive proper training are not supported in the record. S1, S2, S3, and/or ASC met with Complainant every Friday to discuss her improvement plan. S1, S2, and S3 all testify that they provided on the job training to Complainant and provide their contemporaneous notes detailing Complainant's continued lack of improvement while on the PIP. Even when S1, who Complainant believes "targeted" her and "lied" about training, was replaced by S3, Complainant showed no improvement in her performance.

We find the Agency acted within its business discretion and in a non-discriminatory manner when it terminated Complainant's employment. As previously discussed, the Agency provided extensive and specific documentation of Complainant's performance deficiencies in CE 1, 2, and 3, along with explanations for how such deficiencies impacted the department and, in instances where Complainant was provided time sensitive assignments, or assignments where her work product would be viewed by higher level officials, could impact the Agency as a whole. S3's Recommendation for Removal was approved by four management officials, as well as Human Resources ESD. Complainant has not overcome the evidence to establish that the termination or the PIP it was based on were pretext for discrimination or retaliation.

Harassment/Hostile Work Environment

To prove her harassment claim, Complainant must establish that she was subjected to conduct that was either so severe or so pervasive that a “reasonable person” in Complainant’s position would have found the conduct to be hostile or abusive. Complainant must also prove that the conduct was taken because of her sex, race, disability and/or prior EEO activity. Only if Complainant establishes both hostility and motive will the question of Agency liability present itself. See Henson v. City of Dundee, 682 F.2d 897 (11th Cir. 1982); EEOC’s Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, EEOC Notice 915.002 (Jun. 18, 1999).

Claims 1 and 2 involve routine work assignments, instructions, and admonishments, which are “common workplace occurrences” that do not rise to the level of harassment in violation of the anti-discrimination statutes. See Gray v. United States Postal Serv., EEOC Appeal No. 0120091101 (May 13, 2010). In general, a supervisor questioning an employee with respect to their duties, even if done in a confrontational manner, is a “common workplace occurrence.” See Carver v. United States Postal Serv., EEOC Appeal No. 01980522 (Feb. 18, 2000). Even when considered together, Complainant’s allegations are not so severe or pervasive that they constitute a viable case of discriminatory harassment. Moreover, there is simply no evidence that discriminatory or retaliatory animus played any role whatsoever in these incidents.

To the extent Complainant argues that Claims 3 and 4 are also part of her overall harassment claim, as we have already concluded, Complainant has provided inadequate evidence to support that these events were the result of discrimination. Her claim of harassment is precluded based on our findings that Complainant failed to establish that any of the actions taken by the Agency were motivated by her protected bases. See Oakley v. U.S. Postal Service, EEOC Appeal No. 01982923 (Sept. 21, 2000).

CONCLUSION

Having thoroughly reviewed the record and the Parties’ contentions on appeal, including those not specifically addressed herein, Complainant has not established discrimination as alleged.

Accordingly, the Agency’s final decision is AFFIRMED.

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 (S0610)

You have the right to file a civil action in an appropriate United States District Court **within ninety (90) calendar days** from the date that you receive this decision. If you file a civil action, you must name as the defendant in the complaint the person who is the official Agency head or department head, identifying that person by 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. If you file a request to reconsider and also file a civil action, **filing a civil action will terminate the administrative processing of your complaint.**

RIGHT TO REQUEST COUNSEL (Z0815)

If you want to file a civil action but cannot pay the fees, costs, or security to do so, you may request permission from the court to proceed with the civil action without paying these fees or costs. Similarly, if you cannot afford an attorney to represent you in the civil action, you may request the court to appoint an attorney for you. **You must submit the requests for waiver of court costs or appointment of an attorney directly to the court, not the Commission.** The court has the sole discretion to grant or deny these types of requests. Such requests do not alter the time limits for filing a civil action (please read the paragraph titled Complainant's Right to File a Civil Action for the specific time limits).

FOR THE COMMISSION:

A handwritten signature in blue ink, reading "Carlton M. Hadden", is written over a horizontal line.

Carlton M. Hadden, Director
Office of Federal Operations

August 31, 2020

Date