



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

[REDACTED]  
Iliana S.,<sup>1</sup>  
Complainant,

v.

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

Appeal No. 2019005824

Hearing No. 443-2017-00068X

Agency Nos. 6F-000-0020-16

**DECISION**

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 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., 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 AFFIRMS the Agency's final order.

**ISSUES PRESENTED**

The issues presented are: 1) whether substantial evidence in the record supports the EEOC Administrative Judge (AJ's) decision that that the Agency would have not selected Complainant for Position 1, absent the discrimination, and therefore determined that Complainant was not entitled to personal relief; 2) whether the AJ abused his discretion when he denied Complainant's request for sanctions; and 3) whether substantial evidence in the record supports the AJ's decision that Complainant did not establish a prima facie case of reprisal regarding Position 2.

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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 previously worked for the Agency as a Computer Analyst/Programmer for 12 years at the Agency's Information Technology Solution Center (ITSC) in Eagan, Minnesota. Supplemental Report of Investigation (Supp. ROI), at 102-103. Complainant was eventually promoted to the DCS-21 grade-level. Supp. ROI, at 106. Complainant worked for the Agency until June 2013 when she resigned from her position to care for her dying mother who resided in the country of Vietnam. *Id.* at 103. Complainant subsequently sought to become re-employed with the Agency after caring for her mother, who had passed away, and she applied for two positions within the Agency's ITSC in Eagan, Minnesota. Supp. ROI, at 104.

From February 4 through February 12, 2016, the Agency advertised a job vacancy for a Computer Analyst/Programmer at the DCS-19 level (Position 1), at the ITSC. The Agency advertised Position 1 for external candidates. Complainant, being an external applicant, applied for Position 1 even though the position was graded lower than the position she previously held. On February 23, 2016, a Union Steward filed a grievance on behalf of employees, contending that the Agency had violated the Collective Bargaining Agreement (CBA) by not advertising the position for internal candidates first. Supp. ROI, at 413. The grievance was denied, however, after the Computer Operations Manager and the Labor Relations Specialist determined that the job vacancy had been correctly advertised for external candidates.

As a result, the selection process for external candidates moved forward and Complainant was interviewed by a three-person selection panel on March 15, 2016. Supp. ROI, at 104. The panel believed that Complainant was the best qualified, and she therefore was the only candidate who was asked to come back for another interview. On March 29, 2016, Complainant sat down for a second interview with the Computer Operations Manager alone in his office. *Id.* The interview, however, was very informal with the Computer Operations Manager having no prepared written questions, and he also took no notes during the interview. Hearing Transcript (Hr'g Trans.), at 199-200. Following the March 29, 2016, interview, the Computer Operations Manager reportedly told panel members that Complainant had a "communication problem," and he therefore decided to not recommend Complainant for the position. Hr'g Trans., at 62-63.

On or about April 14, 2016, the Labor Relations Specialist reportedly discussed with a Human Resources (HR) Generalist a belief that the vacancy had in fact been incorrectly advertised for external candidates, which amounted to a violation of the CBA. Hr'g Trans., at 268-270. The Labor Relations Specialist thereafter entered into a settlement agreement with the Union, which required canceling the job vacancy for the Position 1. *Id.* According to the Labor Relations Specialist, he was not aware that Complainant was the leading candidate for the position at the time the settlement agreement was reached with the Union. *Id.* at 296.

Meanwhile, on April 15, 2016, the HR Generalist emailed Complainant in response to her request for update on the selection process. Therein, the HR Generalist wrote to Complainant that the position was "withdrawn and we have closed the processing of all applicants.

This was based on a decision by Human Resources and does not reflect on you or your application for employment. . . .” Supp. ROI, at 112-113.

Months later in October 2016, the Agency advertised another job vacancy for a Computer Analyst/Programmer at the DCS-19 level (Position 2), and Complainant applied. Hr’g Trans, at 48. A three-person selection panel was again convened. *Id.* at 306-307. Two of the three members on the panel were not part of the panel for Position 1. Therefore, one panel member served on both panels for Position 1 and Position 2. The panel, however, after reviewing Complainant’s application, did not rank Complainant as a top candidate, and therefore they chose not to interview her and consider her for the position. *Id.* at 409-410. As a result, the Computer Operations Manager, who again served as the selecting official, did not evaluate Complainant.

### *Procedural History*

On September 7, 2016, Complainant filed an EEO complaint, as amended, alleging that the Agency discriminated against her on the bases of race (Asian), sex (female), and age when:

1. In April 2016, she was notified that she was not selected for the position of Computer Analyst / Programmer Associate in Eagan, Minnesota because the job posting had been cancelled after her interviews (Position 1).
2. She was subjected to reprisal for her prior protected EEO activity (instant EEO complaint) when in October 2016 she was not selected for the position of Computer Analyst / Programmer Associate in Eagan, Minnesota (Position 2).<sup>2</sup>
3. The Agency Representative stated to Complainant’s Representative that: “I can tell you that she [Complainant] is never going to be hired back.”

Following the investigation, the Agency provided Complainant with a copy of the report of investigation and notice of her right to request a hearing before an Equal Employment Opportunity Commission Administrative Judge (AJ).<sup>3</sup> Complainant timely requested a hearing.<sup>4</sup> On February 21, 2017, the AJ issued an order for the Agency to supplement the investigation regarding Position 1. Therein, the AJ specifically ordered the Agency to produce all notes and scoring documentation relating to the ranking of the candidates for Position 1.

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<sup>2</sup> Complainant only alleged that she was subjected to discrimination based on reprisal with regard to claim 2, and therefore did not allege that she was subjected to race, gender, or age discrimination regarding Position 2.

<sup>3</sup> The record contains a Report of Investigation as well as a Supplemental Report of Investigation.

<sup>4</sup> Complainant’s request to amend to include claims 2 and 3 was accepted by the AJ.

The AJ thereafter held a hearing on April 17, and April 18, 2019, on claims 1 and 2.<sup>5</sup> Meanwhile, during the April 18, 2019, hearing, Complainant orally made a motion before the AJ, requesting judgment as a matter of law in her favor and sanctions against the Agency because it failed to produce/preserve individual panel members' scoring documentation relative to the AJ's February 21, 2017, order. Complainant maintained that this scoring documentation was necessary to address whether she had been subjected to retaliation with respect to Position 2.

### *AJ's Decision*

The AJ however denied Complainant's motion for judgment and sanctions, noting that Complainant produced no evidence showing that the employees serving on the selection panel for Position 2 were aware of her protected EEO activity. The AJ therefore found that Complainant did not establish a prima facie case of reprisal with regard to Position 2, and consequently determined that the requested scoring documentation concerning Position 1 did not have any evidentiary value.

The AJ found, however, that Complainant did establish that she was subjected to discrimination when she was not selected for Position 1. The AJ determined that Complainant's race was a motivating factor in the Agency's decision not to select her for Position 1. The AJ specifically found that the Computer Operations Manager's testimony, that he was prepared to hire Complainant, was not credible and not supported by the evidence in the record. The AJ noted that the Computer Operations Manager expressed that Complainant had a communication problem, but the Agency presented no evidence that Complainant's accent interfered with her job performance when she previously worked for Agency in same position.<sup>6</sup>

Notwithstanding, using a mixed-motive analysis, the AJ found evidence that the advertising of Position 1 for external candidates did violate the CBA. The AJ observed that the Labor Relations Specialist credibly testified that he independently reached the conclusion that the posting of Position 1 violated the CBA, and therefore he determined that the Union's grievance must be settled, resulting in the cancelation of the selection process for Position 1. The AJ found no evidence that the Labor Relations Specialist was motivated by discriminatory or retaliatory animus. The AJ therefore determined that the hiring for Position 1 would have been canceled even absent the Computer Operations Manager's discrimination.

In addressing Position 2, the AJ noted that the panel, based on their evaluations of the applications, recommend three candidates for interviews. The AJ noted that as Complainant was not ranked as a top candidate by the panel, she did not receive an interview for Position 2.

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<sup>5</sup> The AJ granted the Agency's motion for Summary Judgment on December 6, 2018, regarding claim 3, but denied the Agency's motion as to claims 1 and 2. As Complainant did not specifically raise claim 3 on appeal, we exercise our discretion to not address this matter in our decision.

<sup>6</sup> The Agency has not contested the AJ's finding of discrimination.

In finding no evidence of reprisal, the AJ observed that all three panel members credibility testified that they were not aware of Complainant's protected EEO activity. The AJ found that the panel members credibly testified that no individual influenced their ranking of Complainant's application. The AJ therefore determined that Complainant did not establish a prima facie case of reprisal with respect to Position 2.

Due to the AJ's mixed-motive finding with regard to Position 1, the AJ ordered the Agency to train and consider taking disciplinary action against the Computer Operations Manager; post notice of the finding of discrimination; and award Complainant a reasonable amount in attorney's fees. The AJ however did not award Complainant compensatory damages or back pay in light of the mixed-motive finding of discrimination.<sup>7</sup>

The Agency subsequently issued a final order adopting the AJ's decision in its entirety.

### CONTENTIONS ON APPEAL

#### *Complainant's Brief on Appeal*

On appeal, Complainant, through her attorney, maintains that the AJ erred in failing to sanction the Agency and issue judgment in her favor after the Agency failed to comply with the AJ's February 21, 2017, order. Complainant argues that the Agency failed to provide the applicant matrix scoring forms for applications with respect to Position 1, which were supposed to have been preserved by the Agency. Complainant asserts that the Agency admitted destruction of this documentation even though it was aware that such documentation was supposed to have been preserved.

Complainant contends that this scoring documentation, not produced by the Agency, was relevant to show a retaliatory motive by the Agency regarding Position 2. Complainant asserts that she did not receive an interview for Position 2 even though she performed the exact same position for 12 years and was previously found the most qualified for Position 1. Complainant maintains that she was found not highly qualified for Position 2, coincidentally just after she engaged in her protected EEO activity with respect to Position 1. Complainant further states that the AJ accepted that Complainant's application score with respect to Position 2 was a score of 79, and the AJ did not even consider that Complainant's score could have been 99 or 100 with respect to Position 1. She asserts that such a lower application score after she engaged in EEO activity, clearly calls into question the Agency's motives for her non-selection with respect to Position 2.

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<sup>7</sup> On October 7, 2019, the AJ issued a separate decision awarding Complainant attorney's fees and costs in the amount of \$145,142.26. The Agency thereafter issued a final order, declining to implement the AJ's decision and simultaneously appealed to Commission. The Commission has docketed the Agency's appeal as Appeal No. 2021000595.

Complainant further contends that the AJ erred in failing to award her compensatory damages and back pay as a result of the finding of discrimination regarding Position 1. Complainant asserts, moreover, that the AJ improperly used a mixed-motive analysis, as the Agency did not raise such a mixed-motive theory as an affirmative defense.

#### *Agency's Response*

In response, the Agency argues that the AJ correctly applied the precedent regarding damages applicable to mixed motive cases, as Complainant would not have been hired due to the contractual violation of the CBA. The Agency states that in mixed-motive cases such as this, a complainant is not entitled to personal relief, including compensatory damages, back pay, and hiring. The Agency also argues that Complainant cannot establish a prima facie case of reprisal regarding Position 2, as there is no basis to disturb the AJ's finding that the panel members were not aware of Complainant's EEO activity. The Agency asserts that the AJ correctly determined that the missing documentation regarding Position 1 did not have evidentiary value, as there was no evidence in the record that any of the panel members for Position 2 were aware of Complainant's EEO activity. The Agency therefore maintains that sanctions are not warranted in this case.

### STANDARD OF REVIEW

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

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

### ANALYSIS AND FINDINGS

#### *Position 1 (Mixed-Motive Analysis)*

In this case, the AJ determined that Complainant established that she was subjected to discrimination based on her race when she was not selected for Position 1. The AJ found, however, that the Agency would have not selected Complainant, absent the discrimination. We note that cases where there is evidence that discrimination was one of multiple motivating factors for an employment action, that is, the employer acted on the bases of both lawful and unlawful reasons, are known as "mixed motive" cases.

Mixed-motive analysis applies to cases in which there is a finding that discrimination was one of multiple motivating factors for an employment action, i.e., in which the agency acted on the bases of both lawful and unlawful reasons. EEOC Revised Enforcement Guidance on Recent Developments in Disparate Treatment Theory, EEOC Notice No. 915.002 § III.B.2 (July 14, 1992), as modified EEOC Notice No. 915.002 (Jan. 16, 2009). Under Title VII, a violation is established “when the complaining party demonstrates that race, color, religion, sex, or national origin was a motivating factor for any employment practice, even though other factors also motivated the practice.” 42 U.S.C. § 2000e-2(m). Once a complainant demonstrates that discrimination was a motivating factor in the employer's action, the burden shifts to the employer to prove, by clear and convincing evidence, that it would have made the same decision, even if it had not considered the discriminatory factor. Price Waterhouse v. Hopkins, 490 U.S. 228, 249, 258 (1989); Tellez v. Dep't of the Army, EEOC Request No. 05A41133 (Mar. 18, 2005). If the agency makes this demonstration, a complainant is not entitled to personal relief such as damages, reinstatement, hiring, promotion, and back pay but may be entitled to declaratory relief, injunctive relief, attorney's fees, and costs. DeArmas v. Dep't of the Treasury, EEOC Appeal No. 0720060085 (July 26, 2007); Walker v. Soc. Sec. Admin., EEOC Request No. 05980504 (Apr. 8, 1999).

In the instant case, there is no dispute that on February 23, 2016, a Union Steward filed a grievance on behalf of employees, contending that the Agency had violated the CBA by not advertising the position for internal candidates first. Supp. ROI, at 413. The grievance was denied at Step 1, but the Union Steward appealed to Step 2. Id. at 411-412.

We note that the AJ observed that the Labor Relations Specialist credibly testified that he independently reached the conclusion that the posting of Position 1 violated the CBA, and he therefore decided to settle the Union's grievance that required the cancelation of the hiring process for Position 1. Hr'g Trans., at 268-270. We further note the Labor Relations Specialist testified that he was not aware that Complainant was the leading candidate for the position at the time the settlement agreement was reached with the Union. Id. We note that the credibility determinations of an AJ are entitled to deference due to the AJ's first-hand knowledge, through personal observation, of the demeanor and conduct of the witnesses at the hearing. See Shu v. Dep't of the Treasury, EEOC Appeal No. 0120102346 (Jan. 23, 2012), req. for recon. den'd, EEOC Request No. 0520120325 (June 21, 2012) (citing Esquer v. U.S. Postal Serv., EEOC Request No. 05960096 (Sep. 6, 1996)). As such, we find that substantial evidence in the record supports the AJ's decision that that the Agency would not have selected Complainant, absent the discrimination.

With respect to Complainant's request of compensatory damages and back pay in this case, as noted above, a complainant is not entitled to personal relief in mixed-motive cases such as this, including compensatory damages, reinstatement, hiring, promotion. DeArmas, EEOC Appeal No. 0720060085; Walker, EEOC Request No. 05980504.

*Complainant's Request for Sanctions and Position 2*

In addressing Complainant's request for sanctions, we note that AJs have broad discretion in the conduct of hearings, including discovery, and the determination of whether to admit evidence, issue sanctions or permit or compel the testimony of witnesses. See 29 C.F.R. § 1614.109. We find that Complainant has not established that the AJ abused his discretion in declining to sanction the Agency for its failure to produce the documentation relating to Position 1.

Even assuming, without finding, that the AJ erred in failing to sanction the Agency, we find that such error was harmless as the record reflects that the inclusion of the missing scoring documentation would not have affected the ultimate outcome. In so finding, we note that all three panel members responsible for scoring Complainant's application for Position 2 testified that they were not aware of Complainant's protected EEO activity. Hr'g Trans., at 325, 340, and 412-13. They further testified that they were not influenced by anyone to not recommend Complainant for the position. Id. at 307-308, 340, and 412-413. The AJ found the testimony of the panel members to be credible and, as noted above, the credibility determinations of an AJ are entitled to deference due to the AJ's first-hand knowledge, through personal observation, of the demeanor and conduct of the witnesses at the hearing. Therefore, we find that substantial evidence in the record supports the AJ's decision that Complainant did not establish a prima facie case of reprisal with respect to Position 2.

CONCLUSION

Based on a thorough review of the record and the contentions on appeal, including those not specifically addressed herein, we AFFIRM the Agency's final order adopting the AJ's decision.

ORDER

To the extent it has not already done so, the Agency is ordered to take the following remedial actions within 60 days from the date this decision is issued as previously ordered by the EEOC Administrative Judge:

1. The Agency shall provide eight hours of in-person or interactive training to the identified responsible management official (the Computer Operations Manager) regarding his responsibilities with respect to eliminating discrimination in the federal workplace. The training must emphasize the Agency's obligations under Title VII; and
2. The Agency shall consider taking appropriate disciplinary action against the responsible management official (the Computer Operations Manager). The Commission does not consider training to be disciplinary. The Agency shall report its decision to the Compliance Officer. If the Agency decides to take disciplinary action, it shall identify the action taken. If the Agency decides not to take disciplinary action, it shall set forth the reason(s) for its decision not to impose discipline. If any of the responsible management officials have left the Agency's employ, the Agency shall furnish documentation of their departure date(s);



POSTING ORDER (G0617)

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

IMPLEMENTATION OF THE COMMISSION'S DECISION (K0719)

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

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

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

STATEMENT OF RIGHTS - ON APPEAL  
RECONSIDERATION (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](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).

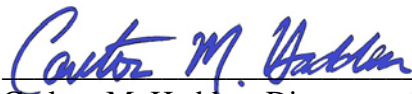
COMPLAINANT'S RIGHT TO FILE A CIVIL ACTION (S0610)

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:



Carlton M. Hadden, Director  
Office of Federal Operations

December 7, 2020

Date