



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**

**Office of Federal Operations**

**P.O. Box 77960**

**Washington, DC 20013**

[REDACTED]  
Maxima C.,<sup>1</sup>  
Complainant,

v.

Frank Kendall,  
Secretary,  
Department of the Air Force,  
Agency.

Appeal No. 2020005241

Hearing No. 430-2017-00135X

Agency No. 9BICI6018

**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 September 3, 2020, 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 Section 501 of the Rehabilitation Act of 1973 (Rehabilitation Act), as amended, 29 U.S.C. § 791 et seq. For the following reasons, the Commission AFFIRMS the Agency's final order.

**BACKGROUND**

At the time of events giving rise to this complaint, Complainant worked as a Desk Clerk at the Agency's Child Development Center, Joint Base Langley-Eustis in Hampton, Virginia.

On July 14, 2016, Complainant filed an EEO complaint alleging that the Agency discriminated against her based on her disability (physical), and in reprisal for prior protected EEO activity, when:

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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.

1. on April 29, 2016, and May 11, 2016, the Director refused to accommodate Complainant's request to remain on the same shift (0630-1530);
2. on May 9, 2016, the Director changed Complainant's shift from 0630-1530 to 0930-1830; and
3. on May 17, 2016, the Assistant Director denied Complainant's sick leave request.<sup>2</sup>

At the conclusion of 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 EEOC Administrative Judge (AJ). Complainant timely requested a hearing, and the AJ held an initial hearing on June 18-19, 2019. The AJ reopened the hearing to further address Complainant's reprisal claim with another hearing on March 10, 2020.

On July 29, 2020, the AJ issued a decision on the merits of Complainant's claims. The AJ found that Complainant was a qualified individual with a disability, and that the Agency failed to engage in a good faith interactive process upon receiving Complainant's April 2016 request for reasonable accommodation, and as a result, failed to accommodate Complainant's accommodation request until the following year in April 2017. In addition, the AJ was not persuaded that the Agency's response that Complainant's accommodation request to remain on the 0630-1530 shift posed an undue hardship.

For claims 2 and 3, the AJ determined that the evidence did not indicate that the change in schedule, or the initial disapproval of Complainant's sick leave request, were adverse; and that Complainant did not establish that she was treated differently or less favorably than similarly situated comparators who were not in her protected class. In addition, while the AJ noted that the Assistant Director's testimony from her affidavit changed during the hearing, the AJ found that the Assistant Director credibly testified that she denied Complainant's sick leave request due to mission requirements because no other employees would be available to cover Complainant's requested period for absence. As such, the AJ determined that Complainant did not show pretext for discrimination.

Regarding Complainant's allegation that she was retaliated against for claim 3, the AJ noted that the Director subsequently granted Complainant's sick leave request and personally covered for her absence. The AJ observed at the hearing that Complainant testified that she believed that a staffing issue was the reason for the initial disapproval of her sick leave request, and Complainant denied any damages associated with the initial disapproval and subsequent grant of sick leave.

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<sup>2</sup> Complainant also initially alleged age discrimination when or about September 9, 2015, she was removed from the Wait List position, which was given to a younger employee, but she withdrew this claim during the hearing. Hearing Transcript at 72.

Accordingly, the AJ concluded that the initial disapproval of Complainant's sick leave request was not sufficiently material to deter Complainant from engaging in protected EEO activity.

Further, while Complainant's EEO activity of her April 28, 2016, request for a reasonable accommodation was in close proximity to the initial disapproval of her sick leave, the AJ found that it did not occur in such a manner where a reprisal motive was inferred. Specifically, the Assistant Director had no involvement in Complainant's reasonable accommodation request and could not recall whether she learned of the request prior to the disapproval of the sick leave. The AJ also highlighted the fact that the Director, and not another clerk or non-supervisory employee, provided coverage for Complainant's absence lending credence to the Assistant Director's testimony that there were no other employees available to cover Complainant's shift.

On July 31, 2020, the AJ issued a decision regarding Complainant's entitlement to damages for the Agency's failure to engage in the interactive process, which led to a failure to accommodate. As an initial matter, the AJ found that Complainant was entitled to the restoration of 100.5 hours of annual leave; 154.85 hours of sick leave; and 11.5 hours of compensatory time. The AJ then determined that Complainant was not entitled to any pecuniary compensatory damages because she presented no evidence that she experienced pecuniary losses associated with the Agency's failure to accommodate her for approximately seven months.<sup>3</sup> The AJ awarded \$10,000.00 for non-pecuniary compensatory damages, finding that Complainant credibly testified that she experienced significant pain associated with her back during the seven-month period when the Agency did not provide a reasonable accommodation to her, and she was required to work a later tour of duty. The AJ added that the award was based on similar cases and adjusted for inflation.

Regarding Complainant's request for attorney's fees, Complainant's attorney asserted that the claims in the complaint were related and that his attorney's fees should not be reduced. However, the AJ determined that Complainant's disability claims shared a common core of facts related to the Agency's failure to accommodate but her reprisal claims were distinct from her disability claims. Since Complainant did not prevail on any of her retaliation claims and was not entitled to collect attorney's fees or costs on these claims, the AJ reduced most of the requested attorney's fees by 50%, awarding a total of \$22,762.96 for attorney's fees and costs.<sup>4</sup>

The Agency subsequently issued a final order adopting and fully implementing the AJ's decisions finding of discrimination and issuing remedies.

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<sup>3</sup> While the Agency did not respond to Complainant's reasonable accommodation request until April 2017, Complainant received her requested work schedule when the employees rotated schedules, but she was not given her requested schedule from May 9, 2016, through December 1, 2016. Hearing Transcript at 117.

<sup>4</sup> The AJ did not reduce the invoice for fees associated with the June 18-19, 2019 hearing, which only addressed Complainant's disabilities claims, and she excluded fees associated with the March 10, 2020, hearing that strictly addressed retaliation.

Complainant filed the instant appeal and submitted a brief in support of her appeal. Through her attorney, Complainant argues that the AJ erred in finding no retaliation for claim 3 and in reducing Complainant's requested awards for attorney's fees and non-pecuniary compensatory damages.

The Agency opposed Complainant's appeal and asserts that the record demonstrates that the AJ's decisions are supported by substantial evidence, and they do not contain errors of fact or law to warrant reversal.

### ANALYSIS AND FINDINGS

#### *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.

As an initial matter, we note that the Commission has the discretion to review only those issues specifically raised in an appeal. See Equal Employment Opportunity Management Directive for 29 C.F.R. Part 1614 (EEO MD-110), at Chap. 9, § IV.A.3 (Aug. 5, 2015). On appeal, Complainant only challenges the AJ's finding of no reprisal for claim 3; the reduction of the awarded attorney's fees and costs; and the amount of non-pecuniary compensatory damages. As such, we will not address the other claims or damages in the instant decision.

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 id. at § VI.B.

In this case, Complainant argues that the Assistant Director lied. However, we note that the AJ considered the Assistant Director's changed explanation regarding her denial of Complainant's sick leave request, and the AJ concluded that the Assistant Director's hearing testimony was credible. A review of the Assistant Director's testimony shows that she admitted to being confused about the date of Complainant's sick leave request. Hearing Transcript at 625, 643. Complainant only offers her opinion that the Assistant Director's testimony was bizarre and nonsensical, but she presented no documents or other objective evidence to contradict the Assistant Director's testimony, nor shown that her testimony so lacks in credibility that a reasonable fact finder would not credit it. As such, we accept the AJ's credibility determination for the Assistant Director.

### *Reprisal*

On appeal, Complainant challenges the AJ's determination that she did not establish reprisal for claim 3. Specifically, Complainant asserts that the Assistant Director retaliated against her when she denied Complainant's sick leave request. A complainant may establish a prima facie case of reprisal by showing that: (1) she engaged in a protected activity; (2) the agency was aware of the protected activity; (3) subsequently, she was subjected to adverse treatment by the agency; and (4) a nexus exists between the protected activity and the adverse treatment. Whitmire v. Dep't of the Air Force, EEOC Appeal No. 01A00340 (Sept. 25, 2000).

It is undisputed that Complainant engaged in protected EEO activity when she requested a reasonable accommodation in April and May 2016. However, while Complainant asserts that there is a "strong temporal proximity" between her protected EEO activity and the denial of her sick leave request, Complainant did not provide any supporting evidence, let alone assert, that the Assistant Director was aware of Complainant's reasonable accommodation request at the time she denied Complainant's sick leave request. The record shows that the Assistant Director repeatedly testified that she did not recall when she learned of Complainant's reasonable accommodation request. Hearing Transcript at 612, 614, 698-9. We find that Complainant has not met her burden to establish a prima facie case of reprisal because she did not present any evidence proving that the Assistant Director was aware of Complainant's protected EEO activity when she denied Complainant's request for sick leave. As such, we AFFIRM the AJ's determination that Complainant did not prove retaliation for claim 3.

### *Attorney's Fees and Costs*

The First Circuit in Coutin v. Youna & Rubicam, 124 F.3d 331, 337 (1st Cir. 1997), provides guidance as to the appropriate standard of review for an AJ's determination of attorney's fees:

We review fee awards deferentially, according substantial respect to the trial court's informed discretion. See Brewster v. Dukakis, 3 F.3d 488, 492 (1st Cir. 1993). We will disturb such an award only for mistake of law or abuse of discretion. See U.S. v. Metropolitan Dist. Comm'n, 847 F.2d 12, 14 (1st Cir. 1988). In this regard, an abuse of discretion occurs "when a material factor deserving significant weight is ignored, when an improper factor is relied upon, or when all proper and no improper factors are assessed, but the court makes a serious mistake in weighing them." Foster v. Mydas Assocs., Inc., 943 F.2d 139, 143 (1st Cir. 1991) [internal quotation marks and citations omitted], 124 F.3d at 336.

Therefore, in this appeal, the Commission will determine if the AJ erred as a matter of law, or abused her discretion, when awarding attorney's fees.

By federal regulation, an agency is required to award attorney's fees and costs for the successful processing of an EEO complaint in accordance with existing case law and regulatory standards. EEOC Regulation 29 C.F.R. § 1614.501(e)(1)(ii).

To determine the proper amount of the fee, a lodestar amount is reached by calculating the number of hours reasonably expended by the attorney on the complaint multiplied by a reasonable hourly rate. Blum v. Stenson, 465 U.S. 886 (1984); Hensley v. Eckerhart, 461 U.S. 424 (1983).

Attorney's fees may not be recovered for work on unsuccessful claims. Hensley 461 U.S. at 434-35. Courts have held that fee applicants should exclude time expended on "truly fractionable" claims or issues on which they did not prevail. See Nat'l Ass'n of Concerned Veterans v. Sec'y of Def., 675 F.2d 1319, 1327 n.13 (D.C. Cir. 1982). Claims are fractionable or unrelated when they involve distinctly different claims for relief that are based on different facts and legal theories. Hensley, 461 U.S. at 434-35. In cases where a claim for relief involves "a common core of facts or will be based on related legal theories," however, a fee award should not be reduced simply because the plaintiff failed to prevail on every contention raised in the lawsuit. Id. at 435. "The hours spent on unsuccessful claims should be excluded in considering the amount of a reasonable fee only where the unsuccessful claims are distinct in all respects from the successful claims." EEO MD-110, at Chap. 11 § VI.F (citing Hensley, 461 U.S. at 440).

On appeal, Complainant argues that the AJ erred in giving the same weight to her disability claims as her reprisal claims, and then subsequently reduced the attorney's fees. Complainant asserts that the Commission has found that there should be no reduction in fees when matters are intertwined. However, the AJ already determined that there was a common core of facts for Complainant's disability claims but that her reprisal claims were distinct. We note that the AJ held separate hearings on the disability claims from the reprisal claims. Complainant simply disagrees with the AJ, but we find that she did not meet her burden to prove that the AJ erred as a matter of law, or that she abused her discretion, when the AJ reduced the requested attorney's fees to account for the fact that Complainant did not prevail on her reprisal claims. As such, we AFFIRM the AJ's decision to award \$22,762.96 in attorney's fees and costs.

#### *Non-Pecuniary Compensatory Damages*

Non-pecuniary losses are losses that are not subject to precise quantification, i.e., emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, injury to professional standing, injury to character and reputation, injury to credit standing, and loss of health. See Enforcement Guidance on Compensatory and Punitive Damages Available Under Section 102 of the Civil Rights Act of 1991, EEOC Notice No. 915.302, at 10 (July 14, 1992). There is no precise formula for determining the amount of damages for non-pecuniary losses except that the award should reflect the nature and severity of the harm and the duration or expected duration of the harm. See Loving v. Dep't of the Treasury, EEOC Appeal No. 01955789 (Aug. 29, 1997). The Commission notes that non-pecuniary compensatory damages are designed to remedy the harm caused by the discriminatory event rather than to punish the agency for the discriminatory action. Furthermore, compensatory damages should not be motivated by passion or prejudice or be "monstrously excessive" standing alone but should be consistent with the amounts awarded in similar cases. See Ward- Jenkins v. Dep't of the Interior, EEOC Appeal No. 01961483 (Mar. 4, 1999).

Evidence from a health care provider or other expert is not a mandatory prerequisite for recovery of compensatory damages for emotional harm. See Lawrence v. U.S. Postal Serv., EEOC Appeal No. 01952288 (Apr. 18, 1996) (citing Carle v. Dep't of the Navy, EEOC Appeal No. 01922369 (Jan. 5, 1993)). Objective evidence of compensatory damages can include statements from Complainant concerning her emotional pain or suffering, inconvenience, mental anguish, loss of enjoyment of life, injury to professional standing, injury to character or reputation, injury to credit standing, loss of health, and any other non-pecuniary losses that are incurred as a result of the discriminatory conduct. Id.

Statements from others including family members, friends, health care providers, other counselors (including clergy) could address the outward manifestations or physical consequences of emotional distress, including sleeplessness, anxiety, stress, depression, marital strain, humiliation, emotional distress, loss of self-esteem, excessive fatigue, or a nervous breakdown. Id. Complainant's own testimony, along with the circumstances of a particular case, can suffice to sustain her burden in this regard. Id. The more inherently degrading or humiliating the defendant's action is, the more reasonable it is to infer that a person would suffer humiliation or distress from that action. Id. The absence of supporting evidence, however, may affect the amount of damages appropriate in specific cases. Id.

An award of non-pecuniary compensatory damages should reflect the extent to which the agency's discriminatory action directly or proximately caused the harm as well as the extent to which other factors also caused the harm. Johnson v. Dep't of the Interior, EEOC Appeal No. 01961812 (June 18, 1998). It is the complainant's burden to provide objective evidence in support of her claim and proof linking the damages to the alleged discrimination. Papas v. U.S. Postal Serv., EEOC Appeal No. 01930547 (Mar. 17, 1994); Mims v. Dep't of the Navy, EEOC Appeal No. 01933956 (Nov. 23, 1993).

Complainant contends that the AJ erred when she only awarded \$10,000.00 in non-pecuniary compensatory damages and requests at least \$25,000.00. Complainant asserts that her case is similar to Holloway v. U.S. Postal Serv., EEOC Appeal No. 0720060070 (Oct. 31, 2008), in which the complainant was awarded \$17,500.00 for mental/emotional stress and physical pain caused by the agency's failure to accommodate.

In her appeal brief, Complainant states that she suffered from stress, anxiety, and fear of termination because she exhausted her leave, and she cites to her hearing testimony in which she stated that she suffered from stress. Complainant testified that she suffered from stress and saw a psychiatrist due to various "comments" from the Director, but we note that Complainant did not testify that the stress was from the Agency's failure to accommodate. Hearing Transcript at 49-51. Further, Complainant did not proffer any evidence showing that she suffered from anxiety or fear of termination. We find that Complainant did not provide any proof linking the claimed stress to the Agency's discrimination, and she provided no evidence that she suffered from anxiety or fear of termination due to the failure to accommodate.

Complainant relies upon Holloway, *supra*, to support her request for an increase in non-pecuniary compensatory damages. In Holloway, the complainant was awarded \$10,000.00 for emotional harm and \$7,500.00 for physical pain. Here, Complainant did not provide evidence to show that she suffered emotional harm from the Agency's failure to accommodate. We find that Complainant's testimony supports the AJ's \$10,000.00 award for Complainant's increased back pain, which is consistent with the \$7,500.00 award for physical pain in Holloway, when considering inflation.<sup>5</sup> Hearing Transcript at 44-6. Accordingly, we AFFIRM the AJ's decision to award \$10,000.00 in non-pecuniary compensatory damages.

### 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 implementing the AJ's decisions and REMAND the complaint for further action in accordance with the Order below.

### ORDER

To the extent that it has not already done so, the Agency is ordered to:

1. Within 60 calendar days of the date this decision is issued, restore 100.5 hours of annual leave; 154.85 hours of sick leave; and 11.5 hours of compensatory time.
2. Within 60 calendar days of the date this decision is issued, pay Complainant non-pecuniary compensatory damages of \$10,000.00.
3. Within 60 calendar days of the date this decision is issued, pay Complainant for attorney's fees and costs in the amount of \$22,762.96.
4. Within 90 calendar days of the date this decision is issued, provide eight hours of in-person or interactive EEO training for the Director. The training shall emphasize management officials' obligation to engage in the interactive process in response to employees' requests for reasonable accommodation.
5. Within 60 calendar days of the date this decision is issued, the Agency shall consider taking appropriate disciplinary action against the Director. 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.

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<sup>5</sup> The Commission has found that an award of non-pecuniary compensatory damages may consider the present-day value of comparable awards. Lara G. v. U.S. Postal Serv., EEOC Request No. 0520130618 (June 9, 2017). The increase in amount of damages owing to the lapse of time is determined with reference to the U.S. Bureau of Labor Statistics' CPI Inflation Calendar, found at [https://www.bls.gov/data/inflation\\_calculator.htm](https://www.bls.gov/data/inflation_calculator.htm). The present-day value of \$7,500 in October 2008 is approximately \$10,011.95.



If the responsible management official has left the Agency's employ, the Agency shall furnish documentation of her departure date.

6. The Agency shall immediately post a notice in accordance with the paragraph below.

POSTING ORDER (G0617)

The Agency is ordered to post at its Child Development Center, Joint Base Langley-Eustis in Hampton, Virginia, 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.

STATEMENT OF RIGHTS - ON APPEAL  
RECONSIDERATION (M0920)

The Commission may, in its discretion, reconsider this appellate decision if 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, a 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 (T0610)

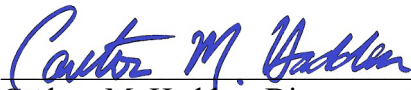
This decision affirms the Agency's final decision/action, but it also requires the Agency to continue its administrative processing of a portion of your complaint. You have the right to file a civil action in an appropriate United States District Court **within ninety (90) calendar days** from the date that you receive this decision on both that portion of your complaint which the Commission has affirmed and that portion of the complaint which has been remanded for continued administrative processing. 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 your appeal with the Commission, until such time as the Agency issues its final decision on your complaint. 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:



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Carlton M. Hadden, Director  
Office of Federal Operations

June 7, 2022

Date