



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

[REDACTED]
Melanie F.,¹
Complainant,

v.

Alejandro N. Mayorkas,
Secretary,
Department of Homeland Security
(Immigration and Customs Enforcement),
Agency.

Appeal No. 2021002205

Agency No. HS-ICE-01448-2018

DECISION

On February 25, 2021, 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 January 19, 2021, final decision 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 REVERSES the Agency's final decision.

BACKGROUND

At the time of events giving rise to this complaint, Complainant worked as an Assistant Chief Counsel, GS-0905-13, at the Agency's Office of the Principal Legal Advisor (OPLA) facility in Eloy, Arizona, which is a component of its Phoenix Field Office in Phoenix, Arizona.

On July 12, 2018, Complainant filed an EEO complaint alleging that the Agency discriminated against her on the bases of race (African-American/Haitian-American), national origin (Haitian-American), color (Black), and in reprisal for prior protected EEO activity when:

1. On unspecified dates, Complainant was subjected to racially insensitive and inappropriate comments;

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.

2. On or about March 16, 2018, an employee came into Complainant's office and drew a caricature of a monkey on Complainant's whiteboard;
3. On or about May 20, 2018, Complainant was involuntarily transferred to a different office location.

The Office of the Principal Legal Advisor (OPLA) and Enforcement and Removal Operations (ERO) are both components of the Agency and are divided into a headquarters and a field division. Complainant was an Assistant Chief Counsel. Complainant was stationed at one of the three sub-offices in Eloy, Arizona and was placed there in September 2017. Her immediate supervisor was the Deputy Chief Counsel (Caucasian, white, American) (S1). Her second level supervisor was the Chief Counsel (Hispanic, white, Cuban American (S2). She also identified the Associate Deputy Principal Legal Advisor (Caucasian, white, United States) (S3); and the then Acting Supervisory Detention and Deportation Officer (Hispanic, white, (S4) as responsible officials.

Complainant was the only African-American employee in her unit. Investigative File (IF) at 294. The record reveals that there were eight employees and only one who identified their color as Black. All seven of the other employees list their color as White, although two identify as and were also listed as Hispanic. IF at 294. Complainant is of Haitian descent, which was known to Agency officials.

Complainant claimed that she had been subjected to several racially insensitive and inappropriate comments during her first six months in her position. On one occasion, Complainant alleged that the Legal Assistant made comments suggesting that Complainant had knowledge of voodoo practices in Haiti. Complainant acknowledged that there were no witnesses to this incident and that she did not report the incident to management. In another incident, Complainant alleged that in or around December 2017, an unidentified Deportation Officer "decided to tell me I was the designated "Haitian representative/expert." When I asked what he meant, he responded "at least you're not the transgender expert." Complainant did not report the comments to anyone in management. In addition, in a January 2018 meeting, Complainant claimed that a co-worker (CW1) commented "Complainant definitely needs a seat, what would we look like if someone walked by and saw the only African-American standing?" Minutes later, CW1 commented when an openly gay co-worker walked into the meeting "what would it look like if someone walked by and saw the only gay man standing?" To that, Complainant replied, "as long as the old man (CW1) was sitting no one would be concerned." CW1 explained that his statement was "so that no one would be mistreated based on their race or sexual orientation." IF at 291. Complainant did not report this incident to management.

On Friday, March 16, 2018, Complainant returned from court to find a caricature of a monkey's face drawn on the whiteboard hanging in her private office. IF, Ex. 2, IF at 297. Along with the caricature, there was a notation "[Complainant] + [Co-worker] = BFF's 4ever;" however, that note appeared to have been written at an earlier time. Complainant averred that she believed that this drawing was placed on her whiteboard because she is Black.

Complainant reported the whiteboard incident to S1 immediately. Complainant expressed to S1 that she was not comfortable or safe being in the office because she did not know who had done this and believed this was a racist attack. On that same day, S1 reported the incident to the Joint Intake Center (JIC). IF 184-186.

On Monday, March 19, 2018, the Resident Agent in Charge, Office of Professional Responsibility (OPR) emailed the Chief Counsel (S2) and S1 and informed them the Senior Special Agent would be leading the investigation and would coordinate a meeting on the following day. On March 19, 2018, Complainant was moved temporarily to the Phoenix office while officials investigated.

Additionally, on March 19, 2018, Agency officials met with staff and reminded them about the Agency's anti-harassment policy. Meanwhile, S4, the Acting Supervisory Detention and Deportation Officer (SDDO) (Hispanic male) admitted he drew a caricature of a monkey on Complainant's whiteboard but denied that he did so with any racist intent. IF at 273. Complainant was informed of the identity of the perpetrator on March 27, 2018 but was not informed of the outcome of the investigation.

On March 30, 2018, Complainant met with management officials to discuss how she would like to move forward considering that she had made it known that she did not feel safe or comfortable at the Eloy office. Complainant indicated that she was unsure. During her temporary relocation to Phoenix, Complainant worked out of the office of an attorney on detail. Complainant indicated that she did not want to share an office in Phoenix once the detailed attorney returned.

On April 27, 2018, S1 advised Complainant that the attorney whose office Complainant was using was returning and that Complainant would have to share an office. Complainant was still reluctant to return to Eloy and would prefer a cubicle in Phoenix rather than share an office. While S1 told Complainant that she could work in a cubicle, her use of a cubicle would "need to be reassessed if a new legal assistant was hired."

On May 21, 2018, the Section Chief (SC), Benefits and Staffing emailed Complainant a notice acknowledging her voluntary relocation and reassignment to Phoenix. She provided a copy of the Employee Statement of Understanding and Voluntary Relocation Form and asked that Complainant sign and return a copy at least two weeks in advance of the reassignment. IF at 126-127. Complainant claimed that the Agency did not provide her with options or consult with her or ask her how to remedy the environment.

On June 20, 2018, the SC emailed Complainant that, if transferring effective July 8, 2018, she should sign and date the voluntary relocation form. An unsigned, undated Employee Statement of Understanding Voluntary Relocation Form identified the reassignment of Complainant to Phoenix, Arizona at her expense. IF at 297. Complainant would retain her pay and grade. On July 2, 2018, S1 averred she discussed the matter with Complainant.

On July 9, 2018, S1 emailed Complainant regarding the purpose of a proposed Voluntary Relocation Statement of Understanding, which S1 said was to ensure Complainant understood she was not eligible for relocation expenses for her “voluntary transfer” from Eloy, Arizona to Phoenix, Arizona. She also told Complainant that no single offices were available, so Complainant would need to share an office with another attorney. Complainant asked when she should return to clear belongings from the Eloy Office. IF at 123. At some point, Complainant said that S1 moved her things without her knowledge or permission.

On July 12, 2018, S1 signed the form “on Complainant’s behalf” without Complainant’s authorization. IF at 229. Complainant had not asked her supervisor to sign on her behalf and Complainant had refused to sign the statement. Complainant was told that the transfer would be permanent, that she would not be compensated for the relocation costs, and that she would share an office. Complainant’s transfer became effective July 22, 2018.

The record shows that S4’s Assistant Field Office Director pulled him from his assignment, put him on an alternative work schedule for three weeks. S4 also lost his Acting Supervisor title and was verbally counseled. IF at 273.

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 Equal Employment Opportunity Commission Administrative Judge (AJ). In accordance with Complainant’s request, the Agency issued a final decision pursuant to 29 C.F.R. § 1614.110(b).

In the decision, the Agency concluded that Complainant failed to prove that management subjected her to discrimination as alleged. This appeal followed.

CONTENTIONS ON APPEAL

On appeal, Complainant maintains that she has met her burden to show harassment and provided evidence that the Agency’s decision to transfer her without granting her expenses was disparate treatment and a failure to take immediate and appropriate action. She argues that the caricature was directly associated with Complainant because the perpetrator intentionally drew the monkey on the whiteboard in Complainant’s private office. Complainant’s attorney argues the Agency should have offered a transfer to a location of Complainant’s choosing with moving expenses.

In response, the Agency argues that Complainant failed to show unlawful harassment because she did not show that the actions were race-based or sufficiently severe to establish a hostile work environment. The Agency also states Complainant failed to show that its stated reasons were a pretext for unlawful animus.

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, 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”).

To establish a hostile work environment claim, a complainant must show that: (1) he or she belongs to a statutorily protected class; (2) he or she was subjected to harassment in the form of unwelcome verbal or physical conduct involving the protected class; (3) that harassment complained of was based on his or her statutorily protected class; (4) the harassment affected a term or condition of employment and / or had the purpose or effect of unreasonably interfering with the work environment and / or creating an intimidating, hostile, or offensive work environment; and (5) there is a basis for imputing liability. See Henson v. City of Dundee, 682 F.2d 897 (11th Cir. 1982); Will K. v. Dep’t of Veterans Affairs, EEOC Appeal 0120142904 (Oct. 18, 2016).

In other words, 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 a protected basis – in this case, her race, color, national origin, or EEO activity. Only if Complainant establishes both of those elements – hostility and motive – will the question of Agency liability present itself.

We note that the monkey caricature was the only incident Complainant reported to management and is the main focus of her complaint. We further note that CW1 acknowledged making the comments during the staff meeting about seating arrangements; however, he indicated that the comments were intended to ensure no one was mistreated. Complainant provided no corroborating evidence in support of the other racially insensitive comments.

We find that Complainant has established that she was subjected to unwelcome racial conduct from S4, which created an offensive and hostile work environment. Moreover, the evidence clearly shows that the alleged incident occurred as she stated and that the harassment was directed to her in her private office. A monkey face was drawn on her whiteboard, while she was in court. Complainant was the only African-American employee in her unit. We recognize that racial stereotypes have persisted to the present with characterizations of African Americans as monkeys, apes, and other animals.

The Commission has long held that a single incident of a racial comparison to an animal may create a hostile work environment. See EEOC's Compliance Manual, Section 15 "Race and Color Discrimination", No. 915.003, 15-38 (Apr. 19, 2006) (a single incident of a racial comparison to an animal may create a hostile work environment); Sona B. v. Dep't of Veterans Affairs, EEOC Appeal No. 0120180237 (Mar. 15, 2019) (addressed display of monkeys where Black employees felt display racist).

Furthermore, after she reported the incident, Complainant was temporarily and then permanently reassigned based on her "voluntary" transfer request. We find that the reassignment was involuntary. Thus, the Commission finds that Complainant has established that she was subjected to a discriminatory hostile work environment.

We note, with regard to the alleged actions of S4, that he was a coworker with no supervisory authority over Complainant. In the case of co-worker harassment, an agency is responsible for acts of harassment in the workplace where the Agency (or its agents) knew or should have known of the conduct, unless it can show that it took immediate and appropriate corrective action. 29 C.F.R. §1604.11(d); Enforcement Guidance: Vicarious Liability for Unlawful Harassment by Supervisors, No. 915.002 (June 18, 1999); see Jenna P. v Dep't of Veterans Affairs, EEOC Appeal 0120150825 (Mar. 9, 2018) (finding Agency had not satisfied the elements of its affirmative defense where the Agency's action have not fully and effectively corrected the effects of the discriminatory harassment on Complainant); Complainant v Dep't of Energy, EEOC Appeal No. 0720130030 (Dec. 12, 2014) (finding that the Agency failed to immediately and effectively address the hostile work environment and was liable for the race-based harassment).

The Agency argues that it should not be held liable for the actions of S4 because once it was informed of S4's conduct, it took prompt action to correct the actions of S4. The record shows that S4's Assistant Field Office Director pulled him from his assignment, put him on an alternative work schedule for three weeks. S4 also lost his Acting Supervisor title and was verbally counseled. While the record does not indicate that further racial harassment occurred from S4, Complainant contends that the Agency did not take sufficient remedial measures and corrective action.

The Agency is under an obligation to do "whatever is necessary" to end harassment, *to make a victim whole*, and to prevent the misconduct from recurring. See EEOC Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, EEOC Notice No. 915.002 (June 18, 1999) (stating that "remedial measures should be designed to stop the harassment, *corrects its effects on the employee*, and ensure that the harassment does not recur") (emphasis added). Correction of any harm caused by the harassment aftermath is a specific example of a measure to correct the effects of the harassment. Id. Taking only some remedial action does not absolve the agency of liability where that action is ineffective. See Logsdon v. Dep't of Agric., EEOC Appel No 07A40120 (Feb. 28, 2006).

In harassment cases, we have generally found that an agency may not involuntarily transfer or reassign the victim of the harassment, and the agency should instead transfer or reassign the harasser. See Chi E. v. U.S. Postal Serv., EEOC Appeal No. 0120170068 (Nov. 29, 2018); Yael S. v. U.S. Postal Serv., EEOC Appeal No. 0120143125 (Oct. 22, 2015).

In this case, Complainant, who was the victim, was involuntarily and permanently reassigned to a less desirable situation to her. Complainant incurred relocation costs and lost her private office. Therefore, the record demonstrates that the Agency's actions have not fully and effectively corrected the effects of the discriminatory harassment on Complainant. The Agency has not satisfied the elements of its affirmative defense. Accordingly, because the Agency cannot establish its affirmative defense, the Commission finds that it is liable for the hostile and offensive work environment created by S4 and the aftermath of harm, caused by the actions of management S1 and S2.

Moreover, we do not find the Agency's explanations for transferring Complainant to be true legitimate, non-discriminatory reasons for its actions. Here, the record shows that Complainant did not agree to a permanent relocation with her bearing the costs and where she would lose an assigned permanent office space. She consistently stated that she was not agreeing to a voluntary permanent reassignment. She only agreed to a temporary move to allow the Agency to find out who the perpetrator was. The Agency did not produce evidence that showed that she wanted to be permanently away from Eloy, only the harassment. She asked the Agency to take the necessary steps to address the harassment, but the Agency moved her instead. Accordingly, the Commission finds that Complainant has established that the Agency subjected her to a hostile work environment and reprisal for her prior protected EEO activity.

CONCLUSION

Based on a thorough review of the record and the contentions on appeal, including those not specifically addressed herein, we REVERSE the Agency's final decision and REMAND this matter for actions consistent with this decision and the ORDER below.

ORDER (C0618)

The Agency is ordered to take the following remedial action:

1. Within 90 days of the date this decision is issued, the Agency shall conduct a supplemental investigation concerning Complainant's entitlement to compensatory damages and equitable relief as a result of the hostile work environment and involuntary reassignment. The Agency shall allow Complainant to present evidence in support of her claimed entitlement. See Carle v. Dep't of the Navy, EEOC Appeal No. 01922369 (Jan. 5, 1993). Complainant shall cooperate with the Agency in this regard. The Agency shall issue a final decision on compensatory damages and equitable relief no later than 90 calendar days of the date this decision is issued. The Agency shall pay Complainant the compensatory damages, and provide her with equitable relief, as determined by the Agency within 30 days from the date of the Agency's final decision. The Agency shall

submit a copy of the final decision to the Compliance Officer at the address set forth herein.

2. Within 60 days of the date this decision is issued, the Agency will retroactively restore Complainant to the position and office she held on March 16, 2018, by transferring Complainant to that position and office or one substantially equivalent to the position she held on March 16, 2018, with all the rights, benefits, and privileges of her position of record. The Agency shall not reassign Complainant to the same office where the harasser works. The Agency shall afford Complainant 15 days to determine whether to accept this position. Complainant shall cooperate with the Agency's efforts to find a suitable position in which she can be placed.
3. Within 90 days of the date this decision is issued, the Agency shall provide eight hours of in-person or interactive EEO training to the management officials at the Agency's Office of the Principal Legal Advisor in Eloy, Arizona regarding their responsibilities under Title VII, with special emphasis on preventing and responding to harassment and avoiding retaliation against employees who have engaged in protected EEO activity.
4. Within 60 calendar days of the date this decision is issued, the Agency shall consider taking appropriate disciplinary action against the identified management officials. The Agency shall report its decision to the Compliance Officer referenced herein. 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 the identified management officials have left the Agency's employment, the Agency shall furnish documentation of the departure date(s).
5. The Agency shall post a notice in accordance with the Order below.

The Agency is further directed to submit a report of compliance in digital format as provided in the statement entitled "Implementation of the Commission's Decision." The report shall be submitted via the Federal Sector EEO Portal (FedSEP). See 29 C.F.R. § 1614.403(g). Further, the report must include supporting documentation of the Agency's calculation of back pay and other benefits due Complainant, including evidence that the corrective action has been implemented.

POSTING ORDER (G0617)

The Agency is ordered to post at its Immigration and Customs Enforcement Office of the Principal Legal Advisor (OPLA) in Eloy, Arizona 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).

ATTORNEY'S FEES (H1019)

If Complainant has been represented by an attorney (as defined by 29 C.F.R. § 1614.501(e)(1)(iii)), she/he is entitled to an award of reasonable attorney's fees incurred in the processing of the complaint. 29 C.F.R. § 1614.501(e). The award of attorney's fees shall be paid by the Agency. The attorney shall submit a verified statement of fees to the Agency -- **not** to the Equal Employment Opportunity Commission, Office of Federal Operations -- within thirty (30) calendar days of receipt of this decision. The Agency shall then process the claim for attorney's fees in accordance with 29 C.F.R. § 1614.501.

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 (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).

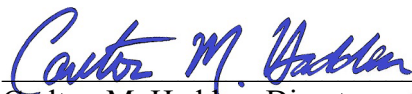
COMPLAINANT'S RIGHT TO FILE A CIVIL ACTION (R0610)

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 26, 2022

Date