



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

[REDACTED]
Natalie H.,¹
Complainant,

v.

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

Appeal No. 2021002253

Agency No. 7A0J1800575F20

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 January 26, 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 VACATES the Agency's final decision.

BACKGROUND

At the time of events giving rise to this complaint, Complainant worked as a Program Lead, CY-1702-02, 502d Force Support Squadron (FSS), Fort Sam Houston Youth Center, Joint Base San Antonio, Texas. During the relevant time, the Workforce Preparation Specialist was her first level supervisor (S1), the Youth Director was her second level supervisor (S2), and the Youth Center Director was her third level supervisor.

On June 11, 2018, Complainant initiated contact with an EEO Counselor regarding harassment by S1, S2, and S3. When informal efforts to resolve her concerns were unsuccessful, she filed a formal complaint on July 20, 2018. Therein, Complainant alleged that the Agency

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.

discriminated against her and subjected her to harassment on the bases of race (Hispanic) and sex (female)² when:

1. On May 7, 2018, S1 withheld duty changes from Complainant stating that she does not have time to let her know everything.
2. On May 8, 2018, S2 denied an increase in pay for Complainant stating that she did not do enough work.
3. On May 29, 2018, S2 and S1 spoke to Complainant in an unprofessional manner about her time and attendance.
4. On May 29, 2018, S2 and S1 reduced Complainant's work hours from 40 hours a week to 30 hours a week.
5. On June 18, 2018, neither S2 nor S1 took action when Complainant put the Agency on notice regarding alleged harassment from CW1, her coworker.

On August 22, 2018, the Agency issued a Notice of Acceptance laying out the above described complaint. The Program Manager, EO/ADR (Program Manager) informed Complainant if her claim(s) had not been correctly identified, she should notify him, in writing, within five calendar days after receipt of the letter.

On August 26, 2018, Complainant's representative emailed the EEO Counselor/EO Specialist noting receipt of the Notice of Acceptance. He said that he was emailing the EEO Counselor "the change of claims" since that was the email address in the Notice and the Program Manager's email address was not included. He stated that if the EEO Counselor/EO Specialist was not the correct party to send him the email address of the proper party.

The record contains an Amended Formal EEO Complaint alleging discrimination based on race (Hispanic) by S1, S2, and S3 when: (1) on May 29, 2018, S2 and S1 changed Complainant's schedule which reduced Complainant's work hours from 40 hours a week to 30 hours a week; (2) on May 8, 2018, S2 denied an increase in pay for Complainant; and (3) Complainant was subjected to harassment and listed many incidents ranging from November 2015 through August 2018.

On December 12, 2018, the Agency issued an Acknowledgment Amendment Request which acknowledged Complainant's August 26, 2018 amendment that identified 28 additional incidents of harassment on the basis of race by S1, S2, and S3. The Acknowledgment included

²Originally Complainant included the basis of reprisal; however, she subsequently withdrew that basis from her complaint. The basis of sex only applies to claim (5).

two of the new incidents into the original complaint as an amendment for investigation.³ However, the Agency said the remaining incidents would not be included for investigation and would be included in the file as additional background information. The Acknowledgment advised that if Complainant believed the requested amendment was not correctly identified, to notify the Program Manager in Writing.

The record also contains emails from December 12, 2018, between the Program Manager and the investigator. In the first email, the investigator acknowledged receipt of the notice of amendment and stated that “Complainant’s representative is questioning the amendment” and asked for clarification of the claims to be investigated. In response, the Program Manager stated that the five original claims and the two amended issues were to be investigated. He stated that the other examples of alleged harassment would be made part of the record.

At the conclusion of the investigation on the accepted seven claims, the Agency provided Complainant 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). The record reveals Complainant received notice of her right to request a hearing on June 27, 2019. When Complainant did not request a hearing within the time frame provided in 29 C.F.R. § 1614.108(f), the Agency issued a final decision on January 26, 2021 pursuant to 29 C.F.R. § 1614.110(b). In its final decision, the Agency addressed its December 12, 2018 decision to accept only two of the additional incidents identified in Complainant’s amendment. Specifically, the Agency found that it properly added two amended incidents. Further, the Agency found it properly dismissed the remaining incidents pursuant to 29 C.F.R. § 1614.107. The Agency noted that Complainant was informed that if she disagreed with the accepted amendments, she must notify the EO Program Manager in writing, which it states she did not do. The Agency noted that all incidents identified were considered to be background information. Regarding the seven accepted claims, the Agency concluded Complainant failed to prove that the Agency subjected her to discrimination as alleged.

On appeal, Complainant requests the Commission sanction the Agency for issuing a late final decision. Complainant notes the Agency has provided no reason for its delay. Complainant argues the delay in issuing the final decision, particularly in light of the Agency’s failure to investigate numerous claims, warrants sanctions against the Agency. Additionally, Complainant argues that several of her claims were improperly dismissed. Complainant disputes the Agency’s contention that she did not challenge the Agency’s decision to not include 26 of the claims in her complaint. Rather, she notes that less than an hour after receiving the December 12, 2018 email from the Program Manager acknowledging her amendment, her representative stated that those claims should be included in the investigation.

³ The new claims added were: (a) on August 21, 2018, S2, while discussing your prior pay raise conversations with you, she emphasized to you in the presence of S3 that you do not do enough and S3 didn’t say anything to correct her; and (b) on August 21, 2018, S3 pressured Complainant to sign a revised memo of admonishment document from July 10, 2018, which stated she did not use the proper chain of command.

Further, she notes that all of the events that are part of her complaint of harassment should have been included in the investigation. Moreover, Complainant contends that because the Agency did not investigate all of the incidents from the amended complaint, the Commission should take her allegations as true and find more than enough evidence to support a finding of discrimination.

As attachments to her complaint, Complainant provided portions of December 12, 2018 emails between the Program Manager and her representative. In the first email from December 12, 2018 at 2:49 p.m., the Program Manager sent Complainant's representative a Corrected notice of acceptance and amendment acknowledging Complainant's formal complaint. In a second email from 3:27 p.m. on December 12, 2018, Complainant's representative thanked the Program Manager for acknowledging the amendment; however, he expressed concern over how 26 of the claims were not included in the notice of amendment for investigation. Complainant's representative stated, "As this is a harassment, aka hostile work environment, claim the prior acts are part of the claim and not just additional evidence/background information, and as such, need to be included in the investigation."

In addition, Complainant's representative included an August 27, 2018 email from the EEO Counselor/EO from 11:03 a.m., seeking clarification of Complainant's original allegations and stating "the only thing that was looked into in regards to the claim of harassment (nonsexual) during the pre-complaint was what was listed in the Notice of Acceptance and was within the 45 day calendar day requirement to file an EEO complaint." The EEO Counselor/EO Specialist stated that the allegations listed on the correction of claims attachment sent dated back to 2015. The EEO Counselor/EO Specialist asked if Complainant was aware of the 45-day requirement, and if so, why did she not bring this claim of harassment previously.

In response to Complainant's appeal, the Agency argues the final decision was correctly decided as a matter of law and the conclusions are supported by the evidence. The Agency requested the Commission affirm the final decision.

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").

Complainant's request for sanctions

As noted above, Complainant requests the Agency be sanctioned for issuing an untimely and incomplete final decision.

EEOC regulations provide that an agency shall issue the final decision within 60 days of receiving notification that a complainant has requested an immediate decision. We note that our regulations require agency action in a timely manner at many points in the EEO process. Tammy S. v. Dep't of Def., EEOC Appeal No. 0120084008 (June 6, 2014). Compliance with these timeframes is not optional; as the Commission stated in Royal v. Dep't of Veterans Affairs, EEOC Request No. 0520080052, "the Commission has the inherent power to protect its administrative process from abuse by either party and must insure that agencies, as well as complainants, abide by its regulations." Because of the length of time it can take to process a federal sector EEO complaint, any delays in complying with the time frames in the regulations can impact the outcome of the complainant's claims. Id.

Here, we find that the Agency failed to comply with the Commission's regulations. In this case, the Agency was approximately 485 days late in issuing its final decision.

Although the Agency failed to issue a timely decision as required by regulation, we find that the Agency did not act in a manner to warrant a default judgment sanction. See, e.g. Josefina L. v. Soc. Sec. Admin., 0120142023 (July 19, 2016), req. for recon. denied, EEOC Request No. 0520170108 (Feb. 9, 2017) (finding that the Agency's 571-day delay in issuing the decision did not warrant sanctions, as complainant did not show she was prejudiced by the delay); Abe K. v. Dep't of Agric., EEOC Appeal No. 0120141252 (Nov. 4, 2016) (declining to sanction an agency that issued a decision after approximately 326 days when complainant failed to show that he was prejudiced by the delay); Jocelyn R. v. Dep't of Def., EEOC Appeal No. 0120152852 (Mar. 11, 2016) (citing Vunder v. U.S. Postal Serv., EEOC Appeal No. 01A55147 (May 12, 2006) (declining to sanction an agency that issued a decision after approximately 371 days)); Anthony M. v. Dep't of the Air Force, EEOC Appeal No. 2019003380 (Sept. 22, 2020).

With respect to Complainant's request that the Commission sanction the Agency because of the length of time that it took to issue a complete final decision in this case, we decline. While we will not impose a sanction in the present case since the delay in issuance of the Agency decision did not prejudice Complainant or result in an unconscionable delay in justice, we do find the Agency's failure to abide by the regulations reflects negatively on the Agency's support for the integrity of the EEO process. Beatrice B. v. Dep't of Veterans Affairs, EEOC Appeal No. 2019001641 (September 17, 2020) (The Commission declined to issue a sanction where following a supplemental investigation, the Agency delayed in issuing a final decision for over eight months).

As a result, we will notify Federal Sector Programs (FSP) which monitors the federal agencies' EEO programs of the Agency's failure to comply with the regulations regarding the timely issuance of its final agency decisions. Espinosa v. Dep't of Agriculture, EEOC Appeal No. 2019005314 (March 5, 2021).

Complainant's arguments about the incompleteness of the final decision are, in this case, more appropriately considered in the context of whether the complaint was properly defined. Those failures by the Agency in framing the complaint are addressed herein, but are not, in this case, appropriately considered as sanctionable actions.

Framing of Complainant's Complaint

As noted above, Complainant claims the Agency improperly dismissed several allegations in her complaint.

Despite the Agency's contention to the contrary, we find Complainant timely objected to the Agency's framing of her original complaint as evidenced by her August 26, 2018 email which listed additional incidents of harassment from November 2015 – August 2018. Subsequently, when the Agency issued the December 12, 2018 Acknowledgment adding only two of the 28 additional incidents of harassment, Complainant again objected the same day as illustrated by the emails cited on appeal. We note the Agency does not dispute the authenticity of the emails provided on appeal.

Upon review, we find the Agency improperly dismissed the additional incidents raised in her August 26, 2018 email. We note Complainant has raised those incidents as part of her overall claim that she was subjected to an ongoing pattern of discriminatory harassment sufficient to establish a hostile work environment. The Supreme Court has held that a complainant alleging a hostile work environment will not be time barred if all acts constituting the claim are part of the same unlawful practice and at least one act falls within the filing period. See National Railroad Passenger Corp. v. Morgan, 536 U.S. 101, 122 S. Ct. 2061 (2002). The Court further held that such untimely discrete acts may be used as background evidence in support of a timely raised harassment claim. Here, it is undisputed that Complainant timely raised a harassment complaint. She further contends that the claims in her August 26, 2018 email were part of this same pattern of discriminatory harassment. Therefore, we conclude that the Agency must consider the additional 26 claims along with claim (5) as part of her overall claim that she was subjected to ongoing discriminatory hostile work environment.

Additionally, we find the Agency improperly dismissed Complainant's claim that since 2011 to current she has not received a pay raise. With regard to the Complainant being denied a pay raise since 2011, we find that Complainant's EEO Counselor contact was timely under the Lilly Ledbetter Fair Pay Act (Ledbetter Act), Pub. L. No. 111-12, 123 Stat. 5. The Ledbetter Act applies to all claims of discrimination in compensation, pending on or after May 28, 2007, under Title VII, the Rehabilitation Act, and the Age Discrimination in Employment Act. With respect to Title VII claims, Section 3 of the Ledbetter Act provides that:

An unlawful employment practice occurs, with respect to discrimination in compensation in violation of this title when a discriminatory compensation decision or other practice is adopted, when an individual becomes subject to a discriminatory compensation decision or other practice, or when an individual is affected by application of a discriminatory compensation decision or other practice, including each time wages, benefits, or other compensation is paid, resulting in whole or part from such a decision or other practice.

Here, Complainant's EEO contact was timely because, as a current Agency employee, it was within 45 days of her receiving a paycheck.

For purposes of clarity, we list the redefined complaint. Complainant alleged that the Agency discriminated against her and subjected her to harassment on the bases of race (Hispanic) and sex (female)⁴ when:

1. Since 2011, including May 18, 2018, and March 2017, Complainant was denied an increase in pay.
2. On May 29, 2018, S2 and S1 reduced Complainant's work hours from 40 hours a week to 30 hours a week.
3. On August 21, 2018, S3 pressured Complainant to sign a revised memo of admonishment document from July 10, 2018, which stated she did not use the proper chain of command
4. Complainant was subjected to ongoing harassment when the following occurred:
 - a. On November 2015, CW1 questioned Complainant's authority in front of the kids, became angry as he yelled, "how ridiculous is this place," "what is your problem." Complainant immediately informed S2 and eventually went to her car to calm down.
 - b. On February 2016, CW1 left the building without Complainant's authorization and the rest of the staff stayed to clean up. Complainant informed S2 the next day.
 - c. In March 2016, CW1 questioned Complainant's authority, and then she and CW1 went to S2.
 - d. In April 2016, CW1 yelled, "you think everyone has to do what you said" then walked away and slammed the door. Complainant informed S2 and she agreed he was wrong.

⁴ Complainant added the basis of sex to claim (4) only.

- e. On June 7, 2016, CW1 questioned Complainant's authority, snapped, threw, something at the table, saying, "here we go again." Complainant informed Ms. S2, S3, and Person A.
- f. On June 30, 2016, CW1 questioned Complainant's authority when she disapproved the driver to pick him up from school. Complainant informed S2.
- g. On August 2016, CW1 questioned Complainant's authority and ignored her when it was time to gather the kids. Complainant informed S2.
- h. On October 27, 2016, S3 cut off their phone conversation and referred Complainant to Human Resources when she spoke about her pay in comparison to the other Team Lead.
- i. On April 8, 2017, Complainant brought up to S2, how S1 laughed when CW1 said, "And we changed the black media," referring to the music and Complainant indicated how that remark was racist
- j. On April 11, 2017, CW1 in front of everyone during training, yelled at Complainant and raised his hands saying, "you need to stop talking."
- k. On May 2, 2017, S1 ordered Complainant to sign a report of the April 8, 2017 incident, although she wanted to review the report before signing.
- l. On May 5, 2017, Complainant was given back a report to sign but declined to sign because the report failed to include S1 as a witness and participant to the incident.
- m. On May 5, 2017, CW1 questioned Complainant's authority by refusing to go on the bus. S1 was present and Complainant also let S2 know and said in frustration, "what else you want me to do with [CW1]?" S2 stated he was wrong.
- n. On May 2017, S2 forced Complainant to work in another building (SAC/School Age Care) for summer camp after it was offered as a choice.
- o. On May 9, 2017, Complainant emailed S2 about CW1 refusing to go in the bus on May 5, 2017, and about other staff behavior, and expressed how Complainant's performance as a leader suffers, about her frustration. Complainant cc'd S3 and others.
- p. On June 2017, S1 accused Complainant of being condescending with the staff.
- q. On November 15, 2017, while celebrating wingman day with other youth center building personnel, S2, S1, and the other Team Lead left without telling Complainant.
- r. On December 2017, Complainant refused to participate in the Christmas party and S2 expressed how not participating in the activity would say a lot about Complainant as a lead and would not look good for Complainant.
- s. On May 7, 2018, S1 withheld duty changes from Complainant and when confronted she stated that she does not have time to let Complainant know everything.
- t. On June 7, 2018, Complainant was not informed by S1 about staff changes and when Complainant asked why Complainant was not informed, S1 sarcastically stated, "sorry I did not tell you."

- u. On June 18, 2018, CW1 questioned Complainant's authority, yelled, pointed his finger in Complainant's face stating "you are getting on my nerves and I don't care if you tell [S2]. I called 911. Let [S1] know."
- v. On June 19, 2018, CW1 came to the building talking loud near Complainant and Complainant felt intimidated. Complainant informed S1 that CW1 has been treating her this way because she is a Hispanic woman.
- w. On June 26, 2018 Complainant informed S1 about how uncomfortable she was while CW1 was in the building and S1 pouted her lips, made a facial expression and exhibited a mood silence.
- x. On July 10, 2018, S3 cut off their conversation as Complainant tried to tell him about past incidents involving CW1 and stated that he only wanted to hear about what happened recently. S3 also pressured Complainant to work with CW1 although Complainant was frightened around him and stated Complainant needed to be professional.
- y. From 2016 to July 2018, S2 and S1 have held Complainant to a higher standard and more accountable than her coworker (the other Team Lead).
- z. On August 21, 2018, S3 pressured Complainant to sign a revised memo of admonishment document from July 10, 2018, which stated she did not use the proper chain of command.
- aa. On August 21, 2018, S2, while discussing Complainant's prior pay raise conversations with Complainant, emphasized to Complainant in the presence of S3 that Complainant does not do enough and S3 did not say anything to correct S2.

As we have reversed the Agency's procedural dismissal of a number of Complainant's claims, we decline to address the merits of the complaint at this time. We find that the entire complaint, including all of the alleged harassing incidents, are more appropriately considered in one decision.

CONCLUSION

Accordingly, the Agency's final decision is VACATED and the complaint, as redefined in this decision, is REMANDED to the Agency for further processing in accordance with this decision and the following ORDER.

ORDER (E0618)

The Agency is ordered to process the remanded claims in accordance with 29 C.F.R. §1614.108. The Agency shall acknowledge to the Complainant that it has received the remanded claims **within thirty (30) calendar days** of the date this decision was issued. The Agency shall issue to Complainant a copy of the investigative file and also shall notify Complainant of the appropriate rights **within one hundred fifty (150) calendar days** of the date this decision was issued, unless the matter is otherwise resolved prior to that time. If the

Complainant requests a final decision without a hearing, the Agency shall issue a final decision **within sixty (60) days** of receipt of Complainant's request.

As provided in the statement entitled "Implementation of the Commission's Decision," the Agency must send to the Compliance Officer: 1) a copy of the Agency's letter of acknowledgment to Complainant, 2) a copy of the Agency's notice that transmits the investigative file and notice of rights, and 3) either a copy of the complainant's request for a hearing, a copy of complainant's request for a FAD, or a statement from the agency that it did not receive a response from complainant by the end of the election period.

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

August 08, 2022
Date