**Statement of Facts**

On December 9, 2016 Mr. Hernandez met with his supervisor to discuss his work performance (complaint iv). Complaining of headaches, blurry vision and nausea, Mr. Hernandez requested a modified work schedule (complaint iv). However, as a new software product was due to be released, the company required all employees to keep absences to a minimum (application) and was unable to grant the modified schedule due to Mr. Hernandez already missing two previous project deadlines (complaint iv). Mr. Hernandez informed his supervisor that due to a scheduled CT scan, he would need miss an upcoming meeting, which his supervisor said would be fine (complaint iv). Following this meeting Mr. Hernandez missed several days of work without notifying his supervisor (complaint iv) and she called him into her office on January 3, 2017 to discuss his continued inadequate work performance (complaint vi). Mr. Hernandez informed his supervisor that his neurological exam had shown an abnormality, which could be cancer, and requested an additional week off. (complaint vi). Due to his illness his supervisor approved an exception to the policy to minimize absences and approved Mr. Hernandez’s additional time off. (complaint vi).

After his week off, Mr. Hernandez had a further two unexcused absences, returning to work on January 18, 2017 (answer iv), and subsequently missed the following two days of work without approval due to illness (complaint viii). On January 24, 2017, Stuart Stockton Systems was forced to dismiss Mr. Hernandez due to his repeated unnotified and unapproved absences. (complaint ix). On March 30, 2017, Mr. Hernandez’s former supervisor received a telephone call inquiring about his job reliability and performance. She answered truthfully informing the caller that Mr. Hernandez had missed work due to health reasons and missed several deadlines (answer x).