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SENT VIA ELECTRONIC MAIL

Melody Smith, Investigator
Ohio Civil Rights Commission
Columbus Regional Office
30 E. Broad St., 4th Floor
Columbus, OH 43215
Email: Melody.Smith@civ.ohio.gov

RE: *Francis Oteino v. The Ohio State University*
OCRC Charge No. COLB1 (48176)09222020; 22A-2021-0046C

Dear Investigator Smith,

Please accept this letter as Respondent the Ohio State University's (OSU) position statement in the above-referenced matter. Mr. Otieno alleges that he was discriminated against due to a disability. The charge also alleges solicitation of murder, violation of HIPAA, attempted life insurance fraud, and spreading false information. Respondent denies Mr. Otieno's claims of disability discrimination, and further argues that his claims are untimely filed. Accordingly, Mr. Otieno's charge must be dismissed.

Mr. Otieno alleges he was discharged/terminated and forced to resign because of his disability. He alleges that in 2013, he suffered from a brain infection, and in the course of treatment for that infection, his doctor and, inexplicably, his employer, conspired to kill him; the supposed motive being to hide a "medical accident." Mr. Otieno attempts to explain OSU's involvement in the plot: "[s]ensing that I was about to die the University moved quickly to terminate me and therefore conceal that I had been cheated on retirement." It is thus unclear whether Mr. Otieno was employed by OSU – as by his own admission, he was retired at the time the alleged events occurred. His complaint also does not provide any details about his employment, except to state that he was employed by OSU from 2006 until 2013. Additionally, while Mr. Otieno offers a bewildering story in an attempt to connect OSU to the alleged incidents, he offers no concrete claims of discriminatory conduct on OSU's part.

Notwithstanding these flaws in the charge, Mr. Otieno's claims are also untimely. To be timely, a charge of discrimination must be filed within 300 days of the allegedly discriminatory act. *See, e.g., Amini v. Oberlin College*, 259 F.3d 493, 498 (6th Cir. 2001). Mr. Otieno's charge is dated September 22, 2020, therefore alleged discriminatory actions occurring before November 27, 2019 are barred. Yet, his allegations date back to February 2013. He has presented no reason why he could not have filed a timely charge based on the alleged discrimination that took place in February of 2013 - over six years before November 27, 2019. Accordingly, OSU's position is that Mr. Otieno has not alleged actionable discrimination, and even if he has, the claims are barred as untimely.

Sincerely,

DAVE YOST
Ohio Attorney General

s/ Mary B. Quimby

Mary B. Quimby
Ashley A. Barbone
Assistant Attorneys General