

MEINDL EEO COMPLAINT SUMMARY

Case HS-FEMA-02430-2024

Complainant: Max J. Meindl

Agency: Federal Emergency Management Agency (FEMA)

Position: Emergency Management Specialist, 089, GS-12

Date of Complaint: December 20, 2024

Date of Termination: January 6, 2025

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Executive Summary

Max J. Meindl, a 73-year-old Emergency Management Specialist with FEMA, filed an EEO complaint (HS-FEMA-02430-2024) alleging discrimination based on disability (COPD and Coronary Artery Disease), age, and reprisal for prior EEO activity. The complaint culminated in Mr. Meindl's termination on January 6, 2025, just 17 days after filing his formal EEO complaint.

The case presents compelling evidence of systematic failures in FEMA's reasonable accommodation process, with multiple accommodation requests remaining unresolved for periods ranging from 87 to 1,275 days. Despite Mr. Meindl's documented 38-month history of exemplary remote work (March 2020-May 2023), FEMA denied his accommodation request for continued telework, citing deployment as an "essential function" that could not be accommodated virtually.

The evidence suggests a pattern of age discrimination, with remote positions being advertised for younger employees while similar accommodations were denied to Mr. Meindl. Additionally, the proximity between his EEO filing and termination strongly indicates retaliatory action, particularly given the absence of progressive discipline or the legally required 30-day notice before termination.

This summary document provides a comprehensive analysis of the case, including a detailed chronological timeline, categorized violations of federal laws and agency policies, key observations, and conclusions regarding the strongest elements of Mr. Meindl's complaint.

Chronological Timeline of Events

Early History (2018-2019)

Date	Event	Personnel Involved	Supporting Documentation
August 23, 2018	Meindl submitted Reasonable Accommodation request (RAR001234) for schedule flexibility due to heart condition (CAD)	Luz Fernandez, Sandra Maddox Britt	RAR001234 submission record
September 21, 2018	Meindl filed harassment complaint (HS-FEMA-01876)	FEMA EEO Office	Complaint HS-FEMA-01876

October 15, 2018	Harassment complaint closed without investigation	FEMA EEO Office	Closure notification
December 12, 2018	Meindl emailed noting no RA response after 111 days	Winston D. Brathwaite and others	Email correspondence
February 12, 2019	Meindl escalated RA delay citing 172-day wait, heart condition, and postponed surgery	Nicole Oke	Email correspondence
March 6, 2019	Meindl submitted FMLA paperwork as a "no pay option" due to RA inaction	FEMA HR	FMLA application
March 8, 2019	RAR001234 denied after 196 days, citing unspecified reasons	Jamie McAllister	Denial notification

FMLA and COVID-19 Period (2019-2020)

Date	Event	Personnel Involved	Supporting Documentation
May 1, 2019	FMLA request approved for 12 weeks due to chronic health conditions (COPD, CAD)	FEMA HR	FMLA approval document
June 26, 2019	Denial of Meindl's intermittent FMLA leave	Dennis Alexander	Denial notification
October 22, 2019	Meindl requested FMLA recertification, feeling "singled out" as a senior citizen (age 74)	FEMA HR	FMLA recertification request
October 30, 2019	Clarification of FMLA workload policy, requiring equal workload	Sandra Cooley	Policy clarification email
November 6, 2019	Recommendation for Meindl to request RA due to physician's note (COPD, CAD)	Jacqueline Gause	Email correspondence
February 27, 2020	Meindl attempted to file EEO complaint	FEMA EEO Office	EEO intake form
March 4, 2020	Meindl expressed COVID-19 exposure concerns, considering 2-6 week RA for telework	Keya Jackson	RA Fact Sheet, email correspondence
March 12, 2020	Meindl requested FMLA for wife's care; informed prior FMLA exhausted, not eligible until April 30, 2020	FEMA HR	FMLA request, response notification

Remote Work Period (2020-2023)

Date	Event	Personnel Involved	Supporting Documentation
March 2020 - May 2023	Meindl performed exemplary remote work for 38 months, managing disaster closeouts	FEMA supervisors	Performance evaluations, work records
September 21, 2021	RA (RAR0017691) for COVID-19 vaccine exemption delayed 87 days due to misclassification	FEMA RA Office	RAR0017691 records
October 25, 2021	RA (RAR0020089) for telework; redundant documentation demanded	FEMA RA Office	RAR0020089 records, correspondence

October 27, 2021	Acknowledgment of VSS issues, urging resubmission of vaccination status	Karina Aguilo	Email to Region 6 staff
October 28, 2021	RA (RAR0023278) submitted, remained unresolved for 1,275 days (as of April 25, 2025)	FEMA RA Office	RAR0023278 records
January 6, 2022	RA (RAR0023261) for cardiovascular needs ignored for 1,205 days (as of April 25, 2025)	FEMA RA Office	RAR0023261 records
April 20, 2022	Meindl suffered heart attack, notified supervisor	Richard Cain	Medical records, notification email
August 4, 2022	Meindl submitted RA (RAR0042452) for 100% telework. Endorsed as "reasonable" but ignored for 995 days	Demarque Underhill	RAR0042452 records, endorsement document
August 12, 2022	Questioning of telework approval; no decision recorded	Andrew O'Donovan	Email correspondence
August 15, 2022	Acknowledgment of "procedural disarray"; no action taken	Karina Aguilo	Email correspondence
August 17, 2023	FEMA advertised remote Emergency Management Specialist roles	FEMA HR	Job posting documentation

Escalation Period (2023-2024)

Date	Event	Personnel Involved	Supporting Documentation
October 31, 2023	Meindl signed Conditions of Employment requiring 24-48 hour deployment	FEMA HR	Signed employment conditions
January 2, 2024	RA (RAR0046767) for permanent telework submitted via ACMS; not assigned until June 12, 2024 (163-day delay)	FEMA RA Office	RAR0046767 submission record
January 25, 2024	Meindl congratulated Traci Brasher; she responded positively	Traci Brasher	Email correspondence
February 23, 2024	Meindl to Brasher: "RA requests never get adjudicated"; Brasher offered discussion via Colleen Sciano	Traci Brasher, Colleen Sciano	Email correspondence
May 23-29, 2024	Anthony In proposed Houston deployment; Meindl agreed, but overruled with "stand down" order in nine minutes	Anthony In	Email correspondence, deployment orders
July 8, 2024	Hurricane Beryl caused \$15,000 in damages to Meindl's property. Meindl requested RA update from Brasher	Traci Brasher	Property damage report, email correspondence
July 9, 2024	Meindl offered to deploy despite storm damage: "Keep it close initially... then we can go out further."	FEMA supervisors	Email correspondence
July 9-31, 2024	FEMA Region 6 failed to conduct call-down post-Hurricane Beryl	FEMA Region 6 management	Call-down records (absence of)
July 10, 2024	Brasher assigned RAR0046767 to Shelia Clemons for "expedited processing" after 194 days. Clemons sent unencrypted email exposing COPD/CAD	Traci Brasher, Shelia Clemons	Assignment notification, unencrypted email

July 11, 2024	Meindl confirmed meeting with Clemons, noting prior submissions	Shelia Clemons	Meeting confirmation email
July 2024	Meindl received premature OAST surveys on unresolved RA RAR0023278	FEMA OAST	Survey documents

Denial and Termination Period (2024-2025)

Date	Event	Personnel Involved	Supporting Documentation
August 5, 2024	Denial of RAR0046767, claiming deployment as "essential function," ignoring 38-month remote success	Anthony In	Denial notification
August 15, 2024	Denial of appeal, dismissing virtual options without justification	Jodi Hunter	Appeal denial notification
August 16, 2024	Notification of RA denial, shaping reassignment terms to pressure inability admission	Anna Myers	Notification email
August 22, 2024	Meindl emailed feeling "ignored, abused, dismissed" due to 190-day delay	Anna Myers	Email correspondence
August 26, 2024	Meindl requested reassignment, detailing virtual capabilities	FEMA HR	Reassignment request
September 3, 2024	Meindl contacted EEO counselor; interviewed September 18, 2024	FEMA EEO Office	EEO intake form, interview notes
September 5, 2024	Reassignment search initiated	FEMA HR	Reassignment search documentation
October 17, 2024	Meindl retained Attorney Brent Smith; mediation failed due to FEMA resistance	Brent Smith, FEMA mediation team	Representation agreement, mediation records
October 30, 2024	No reassignment positions found; search lacked transparency, ignoring virtual roles	FEMA HR	Reassignment search results
November 26, 2024	Final denial letter for RAR0046767 dismissed remote success, citing deployment	FEMA RA Office	Final denial letter
December 4, 2024	Meindl messaged Brasher about RA denial and job loss fears; she promised follow-up but took no action	Traci Brasher	Message correspondence
December 20, 2024	Meindl filed EEO complaint (HS-FEMA-02430-2024) alleging disability, age discrimination, retaliation	FEMA EEO Office	EEO complaint HS-FEMA-02430-2024
January 6, 2025	FEMA terminated Meindl, citing "medical inability," without prior warnings or 30-day notice	Traci Brasher (Acting Regional Administrator)	Termination letter
January 8, 2025	EEO complaint accepted, due by July 18, 2025	FEMA EEO Office	Acceptance notification

Post-Termination Period (2025)

Date	Event	Personnel Involved	Supporting Documentation
February 14, 2025	Meindl submitted affidavit detailing emotional/professional toll	Max J. Meindl	Affidavit
April 8, 2025	Traci Brasher's affidavit mischaracterized RA basis, denied termination knowledge despite Acting Regional Administrator role	Traci Brasher	Brasher affidavit
April 12, 2025	Shelia Clemons' affidavit denied communication, downplayed 194-day delay, claimed no discrimination	Shelia Clemons	Clemons affidavit
April 14, 2025	Anna Myers' affidavit misrepresented Meindl's RA engagement, denied termination accountability	Anna Myers	Myers affidavit
April 14, 2025	Donald J. Simko's affidavit falsely claimed Meindl refused to deploy, admitted no virtual roles explored	Donald J. Simko	Simko affidavit
April 14, 2025	Jodi Hunter's affidavit claimed Meindl refused to deploy, denied RA history knowledge, despite supervisory role	Jodi Hunter	Hunter affidavit

Categorized Violations

Rehabilitation Act Violations

The Rehabilitation Act of 1973, §501 (29 C.F.R. §1630) prohibits federal agencies from discriminating against qualified individuals with disabilities and requires them to provide reasonable accommodations. The following violations have been identified:

1. Failure to Engage in Interactive Process

- **Legal Requirement:** 29 C.F.R. §1630.2(o)(3) requires an "informal, interactive process" to identify appropriate accommodations.
- **Violations:**
 - Multiple RA requests (RAR001234, RAR0046767, RAR0042452) processed without meaningful dialogue
 - Dismissal of virtual deployment options without proper consideration
 - Failure to explore alternatives before denial
- **Evidence:** Email correspondence showing minimal engagement; 190-day delay before first interaction on RAR0046767

2. Denial Without Justification

- **Legal Requirement:** 29 C.F.R. §1630.9(a) requires accommodations unless they pose an "undue hardship."
- **Violations:**
 - RAR001234 denied after 196 days citing unspecified reasons
 - RAR0046767 denied despite 38-month history of successful remote work
 - No documented assessment of hardship for virtual deployment
- **Evidence:** Denial letters lacking specific justification; contradictory deployment practices

3. Failure to Process Timely

- **Legal Requirement:** While no specific timeline is mandated by law, EEOC guidance suggests "expeditious processing."
- **Violations:**
 - RAR001234: 196-day delay
 - RAR0046767: 190-day delay before assignment
 - RAR0023278: Unresolved for 1,275 days
 - RAR0023261: Unresolved for 1,205 days
 - RAR0042452: Unresolved for 995 days
- **Evidence:** Submission timestamps and processing records

4. Ignoring Remote Work Success

- **Legal Requirement:** 29 C.F.R. §1630.2(n) defines "essential functions" as fundamental job duties.
- **Violations:**
 - Denial based on deployment as "essential function" despite 38 months of successful remote work
 - Failure to consider demonstrated ability to perform job functions remotely
- **Evidence:** Performance evaluations during remote period; work records

5. Termination Without Accommodations

- **Legal Requirement:** 29 C.F.R. §1630.2(o)(1)(ii) includes reassignment as a potential accommodation.
- **Violations:**

- Termination citing "medical inability" without exhausting accommodation options
- Inadequate reassignment search excluding virtual positions
- Termination 17 days after EEO complaint filing
- **Evidence:** Termination letter; reassignment search documentation

EEOC Management Directive 110 Violations

EEOC Management Directive 110 (MD-110) provides federal agencies with policies and procedures for processing EEO complaints. The following violations have been identified:

1. Procedural Disarray (§III.A)

- **Requirement:** Agencies must maintain an orderly process for handling complaints.
- **Violations:**
 - "Procedural disarray" acknowledged by Karina Aguilo on August 15, 2022
 - Multiple unassigned and unprocessed RA requests
- **Evidence:** Aguilo email; tracking records showing multiple unresolved requests

2. Documentation Errors (§IV.A)

- **Requirement:** Proper documentation of all aspects of the EEO process.
- **Violations:**
 - Misclassification of RAR0017691 causing 87-day delay
 - Blank forms and incomplete records
 - Undocumented decisions (e.g., Andrew O'Donovan's questioning of telework approval)
- **Evidence:** RA processing records; email correspondence

3. Exceeding Timelines (§IV.D)

- **Requirement:** Agencies should process complaints within 180 days.
- **Violations:**
 - Multiple RA requests exceeding 180-day timeline
 - RAR0046767 processed after 190 days, exceeding regulatory timeframe

- **Evidence:** Submission and processing timestamps
- 4. **Lack of Interactive Process (§VI.A)**
 - **Requirement:** Agencies must engage in meaningful dialogue about accommodations.
 - **Violations:**
 - Failure to engage supervisors in accommodation discussions
 - No exploration of alternatives to physical deployment
 - **Evidence:** Email correspondence; affidavits showing minimal engagement
- 5. **Redundant Documentation Demands (§VI.C)**
 - **Requirement:** Agencies should not impose unnecessary documentation burdens.
 - **Violations:**
 - Requiring already-submitted information for RAR0020089
 - Keya Jackson providing RA Fact Sheet requiring redundant documentation
 - **Evidence:** Email correspondence; documentation requests
- 6. **Undocumented Decisions (§VI.D)**
 - **Requirement:** All decisions must be properly documented.
 - **Violations:**
 - No recorded decision after Andrew O'Donovan's questioning of telework approval
 - Lack of documentation for "stand down" order overruling Houston deployment
 - **Evidence:** Absence of decision documentation in records
- 7. **Retaliation Indicators Ignored (§XI)**
 - **Requirement:** Agencies must prevent retaliation for EEO activity.
 - **Violations:**
 - 17-day proximity between EEO filing (December 20, 2024) and termination (January 6, 2025)
 - No progressive discipline before termination
 - **Evidence:** Timeline of events; termination letter

FEMA Policy Violations

1. FEMA Instruction 256-022-01 (Reasonable Accommodation)

- **Requirement:** 45-day processing timeline for RA requests.
- **Violations:**
 - Multiple RA requests exceeding 45-day timeline
 - RAR0046767: 190 days before assignment
 - RAR0023278: 1,275 days without resolution
 - RAR0023261: 1,205 days without resolution
 - RAR0042452: 995 days without resolution
- **Evidence:** RA submission and processing records

2. FEMA Manual 123-13-1 (Discipline and Adverse Actions)

- **Requirement:** Progressive discipline and consideration of Douglas Factors before termination.
- **Violations:**
 - No progressive discipline before termination
 - No documentation of Douglas Factors consideration
 - Immediate termination for "medical inability" without prior warnings
- **Evidence:** Personnel records; termination letter

3. FEMA Directive 123-0-2-1 (Employee Welfare)

- **Requirement:** Welfare checks for employees affected by disasters.
- **Violations:**
 - Failure to conduct welfare check post-Hurricane Beryl despite \$15,000 in damages to Meindl's property
 - No call-down conducted July 9-31, 2024
- **Evidence:** Absence of welfare check documentation; property damage report

Age Discrimination in Employment Act Violations

The Age Discrimination in Employment Act (ADEA) (29 U.S.C. §623) prohibits employment discrimination against individuals 40 years of age or older. The following violations have been identified:

1. Disparate Treatment

- **Legal Requirement:** 29 U.S.C. §623(a)(1) prohibits discrimination based on age.
- **Violations:**
 - Different treatment compared to younger employees
 - Meindl (age 73) denied accommodations while similar arrangements made for others
- **Evidence:** Meindl's statement about feeling "singled out as a senior citizen"; comparative treatment records

2. Preferential Treatment for Younger Employees

- **Legal Requirement:** 29 U.S.C. §623(a)(2) prohibits limiting employment opportunities based on age.
- **Violations:**
 - Remote positions advertised on August 17, 2023, while denying similar accommodation to Meindl
 - Younger employees granted telework accommodations
- **Evidence:** Job posting documentation; comparative accommodation records

3. Age-Based Scrutiny

- **Legal Requirement:** 29 U.S.C. §623(a)(1) prohibits discrimination in terms and conditions of employment.
- **Violations:**
 - Meindl felt "singled out as a senior citizen" (October 22, 2019)
 - Heightened scrutiny of work arrangements compared to younger colleagues
- **Evidence:** Email correspondence; comparative treatment documentation

4. Welfare Neglect

- **Legal Requirement:** 29 U.S.C. §623(a)(1) prohibits discrimination in terms and conditions of employment.
- **Violations:**
 - Failure to check on older employee after hurricane damage
 - No call-down conducted despite agency policy
- **Evidence:** Absence of welfare check documentation; property damage report

Other Federal Law Violations

1. HIPAA (45 CFR §164.312)

- **Requirement:** Protection of electronic protected health information.
- **Violation:** Shelia Clemons sent unencrypted email exposing Meindl's COPD/CAD on July 10, 2024.
- **Evidence:** Unencrypted email correspondence

2. FMLA (29 C.F.R. §825.202)

- **Requirement:** Proper application of FMLA leave policies.
- **Violations:**
 - Dennis Alexander denied Meindl's intermittent FMLA leave on June 26, 2019
 - Misapplication of FMLA policy regarding workload
- **Evidence:** FMLA denial notification; policy clarification email

3. 5 U.S.C. §7513 (Adverse Actions)

- **Requirement:** 30-day notice before removal of federal employees.
- **Violation:** No 30-day notice provided before January 6, 2025 termination.
- **Evidence:** Termination letter; absence of prior notice

4. OMB M-17-06 (Customer Experience)

- **Requirement:** Proper timing of customer feedback surveys.
- **Violation:** Premature OAST surveys sent for unresolved RA RAR0023278 in July 2024.
- **Evidence:** Survey documents; RA processing records

Key Observations and Implications

1. Systemic Processing Failures

- The extreme delays in processing RA requests (up to 1,275 days) indicate a systemic breakdown in FEMA's reasonable accommodation process.
- These delays violate both FEMA's own policies and federal guidelines for "expeditious processing."

- **Implication:** These systemic failures suggest institutional problems beyond individual discrimination, potentially affecting other employees with disabilities.

2. **Demonstrated Remote Work Capability**

- Mr. Meindl successfully worked remotely for 38 months (March 2020-May 2023), demonstrating his ability to perform essential functions without physical deployment.
- The subsequent denial of telework accommodation contradicts this established performance record.
- **Implication:** This contradiction undermines FEMA's claim that physical deployment was an "essential function" that could not be accommodated.

3. **Willingness to Deploy with Accommodations**

- Evidence shows Mr. Meindl agreed to deploy to Houston (May 23-29, 2024) and offered to deploy despite hurricane damage to his property (July 9, 2024).
- This contradicts affidavit claims that he "refused to deploy."
- **Implication:** These false statements in official affidavits suggest an attempt to create a post-hoc justification for the termination decision.

4. **Pattern of Age Discrimination**

- Multiple instances suggest age-based discrimination, including Mr. Meindl feeling "singled out as a senior citizen" and remote positions being advertised while denying similar accommodation to him.
- At age 73, Mr. Meindl was significantly older than the protected age threshold of 40 under the ADEA.
- **Implication:** The age discrimination pattern suggests a potential agency bias against older employees, particularly those with health conditions.

5. **Retaliatory Timing**

- The 17-day proximity between filing the formal EEO complaint (December 20, 2024) and termination (January 6, 2025) strongly suggests retaliation.
- This timing, combined with the lack of progressive discipline or 30-day notice, violates both FEMA policy and federal law.
- **Implication:** The retaliatory timing creates a strong presumption of illegal reprisal for protected EEO activity.

6. Affidavit Inconsistencies

- Multiple FEMA officials' affidavits contain apparent misrepresentations, including false claims that Mr. Meindl refused to deploy and denials of knowledge about his accommodation history.
- Traci Brasher's denial of termination knowledge despite her role as Acting Regional Administrator is particularly problematic.
- **Implication:** These inconsistencies suggest coordination among officials to obscure responsibility and create a false narrative.

7. Policy Implementation Gap

- While FEMA's 2025 policy includes more detailed procedures and protections than the 2020 version, the case demonstrates a significant gap between written policy and actual implementation.
- The newer policy's provisions for deployment accommodations might have prevented this situation if properly implemented.
- **Implication:** This gap suggests that policy improvements alone are insufficient without proper training, oversight, and accountability mechanisms.

8. Medical Privacy Breach

- The unencrypted email exposing Mr. Meindl's medical conditions (COPD/CAD) represents a serious privacy breach under HIPAA regulations.
- This breach occurred during the "expedited processing" of his accommodation request after a 194-day delay.
- **Implication:** This privacy violation indicates carelessness in handling sensitive medical information and potential broader compliance issues.

Conclusion

The evidence in Case HS-FEMA-02430-2024 presents a compelling case of disability discrimination, age discrimination, and retaliation against Max J. Meindl. The strongest elements of the complaint include:

1. **Extreme Processing Delays:** Multiple RA requests remained unresolved for periods far exceeding FEMA's own 45-day timeline, with some requests pending for over 1,000 days. These delays constitute a clear violation of FEMA policy and EEOC guidelines.
2. **Contradictory Treatment:** Mr. Meindl successfully performed his job remotely for 38 months, yet FEMA later claimed physical deployment was an "essential function" that could not be accommodated. This contradiction undermines the legitimacy of FEMA's accommodation denial.
3. **Retaliatory Termination:** The 17-day proximity between Mr. Meindl's EEO complaint filing and his termination, combined with the absence of progressive discipline or the legally required 30-day notice, strongly indicates illegal retaliation for protected EEO activity.
4. **Age Discrimination Pattern:** Multiple instances suggest age-based discrimination, including different treatment compared to younger employees and remote positions being advertised while denying similar accommodation to the 73-year-old complainant.
5. **Documented Willingness to Deploy:** Evidence shows Mr. Meindl agreed to deploy to Houston and offered to deploy despite hurricane damage to his property, directly contradicting affidavit claims that he "refused to deploy."
6. **Affidavit Misrepresentations:** Multiple FEMA officials' affidavits contain apparent misrepresentations, suggesting coordination to obscure responsibility and create a false narrative after the fact.

The case highlights not only individual instances of discrimination but also systemic failures in FEMA's reasonable accommodation process. Despite policy improvements between 2020 and 2025, implementation remained problematic, with extreme delays, inadequate interactive processes, and potential age discrimination and retaliation.

Mr. Meindl's case demonstrates the critical need for not only strong written policies but also consistent implementation, proper training of supervisors and RA staff, and effective oversight to ensure compliance with federal disability laws and agency procedures. The evidence strongly supports findings of disability discrimination, age discrimination, and retaliatory termination in violation of federal law and agency policy.