

Cover of Report of Investigation (Redacted)

**UNITED STATES DEPARTMENT OF HOMELAND SECURITY  
FEDERAL EMERGENCY MANAGEMENT AGENCY**

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Max Meindl )  
5 E. Austin Street )  
Bellville, TX 77418 )  
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Complainant )  
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 )  
Vs. ) HS-FEMA-02430-2024  
 )  
Kristi Noem, Secretary )  
U. S. Department of Homeland Security )  
Washington, DC 20472 )  
 )  
 )  
Respondent )  
 )  
 )

**INVESTIGATIVE REPORT  
ORIGINAL**

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**UNITED STATES DEPARTMENT OF HOMELAND SECURITY**  
**FEDERAL EMERGENCY MANAGEMENT AGENCY**

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**REPORT OF INVESTIGATION**

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**TITLE:**

Max Meindl  
Emergency Management Specialist, GS-12  
Department of Homeland Security  
Federal Emergency Management Agency  
Recovery/Public Assistance  
500 C Street SW  
Washington, DC 20024

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**FEMA CASE NUMBER:**

HS-FEMA-02430-2024

**INVESTIGATOR:**

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**REPRESENTATIVE:**

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**BASES OF COMPLAINT:**

Discrimination based on disability (physical)  
and age (1951)

**I. ISSUES IN COMPLAINT:**

**The Notice of Acceptance Letter, dated January 8, 2025, to the Complainant from Angela McGonigal, Office of Equal Rights (OER), states that the following issues were accepted for investigation (Tab C-2):**

Accepted Issue and Basis: Whether Complainant, a former employee, Emergency Management Specialist, of Bellville, TX was discriminated against based on disability (physical) and age (1951) by management when the following incidents occurred:

1. On August 16, 2024, Complainant's Reasonable Accommodation request was denied.
2. On January 6, 2025, Complainant was terminated.

1 Complainant initiated contact with the Office of Civil Rights on February 21, 2024; although he requested to file an informal complaint on April 1, 2024 – outside of the 45-calendar day period – the Office accepts this case for investigation based on Complainant's original contact date.

## **II. BURDEN OF PROOF REQUIREMENTS:**

### **Disparate Treatment – Age**

#### **Prima Facie Case:**

In order to establish a *prima facie* case for discrimination based on age (1951), and physical disability the Complainant must show:

1. Whether Complainant is 40 years of age or older at the time in question.
2. Whether Complainant was subjected to an adverse employment action.
3. Whether Complainant was treated less favorably than other younger, similarly situated employees, i.e., was accorded treatment different from that given to persons who are significantly younger.

#### **Management's Response:**

Whether management provides a legitimate, non-discriminatory reason for taking the action in question.

#### **Pretext:**

Whether there is direct or circumstantial evidence that management's reason for its treatment of Complainant is pretext for discrimination.

### **Disparate Treatment/Disability**

#### Prima Facie Case:

1. Whether Complainant is a qualified individual with a disability. (regarded as or record of) If complainant alleges, he has an actual disability:
  - a. Whether Complainant has a physical or mental impairment.
  - b. Whether this impairment substantially limits Complainant's ability to perform a major life activity.
  - c. Whether Complainant is otherwise qualified. (i.e., whether Complainant meets the education, skills and experience requirements of the job.)
  - d. Whether Complainant can perform the essential functions of the position either with or without an accommodation.
2. Whether management was aware of Complainant's disability.
3. Whether Complainant was treated differently from similarly situated employees who were not disabled or who had different disabilities with regard to an employment action.
  - a. Whether compared employees were in the same chain of command.
  - b. Whether compared employees were in the same work unit.
4. Or whether there is direct evidence that shows discriminatory intent?

**Management's Response:**

Whether management articulated a legitimate, non-discriminatory reason for treating Complainant differently than other similarly situated employees who were not disabled or who had different disabilities.

**Pretext:**

Whether there is direct evidence or circumstantial evidence that management's reasons are pretext for discrimination.

**Model for Analysis Discharge/Disciplinary Action**

Prima Facie Case

- 1) Complainant is a member of a protected group.
  - 2) Was complainant qualified for the position s/he was performing?
  - 3) Was the complainant satisfying the normal requirements of the position?
  - 4) Was the complainant discharged or otherwise disciplined?
  - 5) Was the complainant replaced by an employee outside the protected group or was s/he singled out for discharge or discipline while similarly situated employees were retained or not comparably disciplined
- Is there direct evidence that shows discriminatory intent?

**3) REBUTTAL**

What did the agency say was the reason for disciplining complainant?

**4) PRETEXT**

Is there direct or circumstantial evidence that the agency's reason for discipline or discharge of complainant is pretextual? For example, did the agency treat other individuals with similar performance problems more favorably than complainant

**Disparate Treatment/Disciplinary Action/Removal**

***Prima Facie Case:***

1. Whether Complainant is a member of a protected group.
2. Whether Complainant was qualified for the position she/he was performing.
3. Whether Complainant was satisfying the normal requirements of the position
4. Whether Complainant was discharged or otherwise disciplined.

5. Whether Complainant was replaced by an employee outside their protected group, or he/she was singled out for discharge or discipline while similarly situated employees were retained or not comparably disciplined. Or
6. Whether there is direct evidence that shows discriminatory intent.

**Management's Response:**

Whether management provides a legitimate, non-discriminatory reason for taking the action.

**Pretext:**

Whether there is direct or circumstantial evidence that management's reason for its treatment of Complainant is pretext for discrimination

**III. RELIEF REQUESTED:**

1. Virtual Deployment
2. A position that correlates to Complainant's knowledge and experience.

**IV. DESCRIPTION OF INVESTIGATION:**

Places of Investigation:	Federal Emergency Management Agency 500 C Street, SW Washington, DC 20024
Dates of Alleged Discrimination:	August 16, 2024, and January 6, 2025
Date ROI submitted:	46 Days after IP has been approved
Notice of Right to File Sent:	December 5, 2024
Date Formal Complaint Filed:	December 20, 2024
Date of Acknowledgement Letter:	December 23, 2024
Date of Letter of Acceptance:	January 8, 2025
Investigative Method Used:	Telephonic interviews and written affidavits

**V. BACKGROUND INFORMATION:**

**STATEMENT OF COMPLAINANT**

## MAX MEINDL

Max Meindl (hereafter referred to as Complainant) is employed as an Emergency Management Specialist, PDTFL, and has worked for FEMA from August 2017 until January 6, 2025. Mr. Meindl states that his current first-line supervisor is Anthony In, and his second-line supervisor is Jodi Hunter. He has worked under their supervision for approximately one year.

He states that he is aware of the Agency's policy on discrimination and confirms that he has completed No Fear Act Training.

Mr. Meindl states that he is 73 years old, born in 1951 which is relevant to his claim of age discrimination under the ADEA.

Mr. Meindl is 73 years old, born in 1951, which he asserts is relevant to his claim of age discrimination under the Age Discrimination in Employment Act (ADEA). When asked whether management was aware of his age and disability, he responded affirmatively. He explained that his age was disclosed through his employment application, HR records, and during age-related training sessions. He further stated that his disability was disclosed when he requested reasonable accommodations and during the medical leave application process—both of which are documented in HR files.

Mr. Meindl claims that management treated him differently than similarly situated individuals. He stated, "I was treated differently based on my age and physical disability. Younger employees received more opportunities for professional development; non-disabled employees were not required to justify accommodations as rigorously; and employees of other races were given more prominent roles and projects." He further asserted that he was isolated, marginalized and very little work was assigned".

He also stated that his reasonable accommodation requests were ignored or denied, unlike those of his non-disabled peers. Specifically, he noted that one of his requests was ignored for over 190 days, which he believes violated Section 501 of the Rehabilitation Act, which mandates timely reasonable accommodations for qualified individuals with disabilities. He added that when he escalated the issue to higher authorities, he was terminated.

With regard to age discrimination, Mr. Meindl stated that he was passed over for promotions and training opportunities that were instead offered to younger colleagues.

Complainant's Service Requests taken on February 24, 2024:

Reasonable Accommodation Request - RAR0046767

Requested for: MEINDL, MAX Opened: 53d ago

Reasonable Accommodation Request - RAR0042452

Requested for: MEINDL, MAX Opened: 570d ago

The Complainant concludes that there was a pattern in which older employees, including himself, were not considered for advancement, and that his disability accommodations requests were met with skepticism, unlike those of other employees. He states that he was ignored regarding workplace adjustments, suggesting an intersectional discrimination under both ADEA and the Rehabilitation Act.

Mr. Meindl was asked whether he made it known that the discriminatory treatment was unwelcome. He explained that he expressed his concerns informally through the Alternative Dispute Resolution (ADR) process. However, no substantive action was taken; he was merely advised to be patient and was told that all available accommodations had already been provided. He also states that he reported the issue to his supervisor Anthony In, who he alleges was responsible for the behavior.

When asked about the essential functions of the Emergency Management Specialist position, he replied that as a Program Delivery Task Force Leader (PD TFL), he played an integral role in the successful implementation of the PA delivery model. The role serves as a conduit between the Public Assistance Group Supervisor (PAGS) and the Program Delivery Managers (PDMGs) communicating the Joint Field Office (JFO) operational priorities to the PDMGs. The PD TFL also keeps the PAGs informed of the day-to-day activities and accomplishments. Additionally, the role ensures that the PDMG's workload is balanced, allowing them to focus on providing excellent customer service to applicants. The position also includes managing and mentoring PDMGs throughout the PA grant delivery process.

Ms. Meindl states that he is seeking several things to resolve this EEO complaint, to include the following:

- a. Full medical/disability in the amount of \$6500 per month, net, full health benefits paid by the employer for the discrimination
- b. Compensatory and punitive damages for emotional distress and policy changes to prevent future discrimination. (**Tab F-1**)

When asked were there specific names of similarly situated individuals. He replied he did not provide specific names of similarly situated individuals who were treated differently regarding RA requests or termination because of limited access to personnel records post termination on January 6, 2025. He replied that he consistently asserted a pattern of differential treatment based on age and physical disability. "Younger, non-disabled employees received professional development and flexible accommodations; I was denied."

When asked were there any witnesses of having direct knowledge to the Reasonable Accommodation denial on January 6, 2025. He states Traci Brasher, acting Regional

Administrator would have knowledge since he escalated multiple concerns in 2024. "My requests never got adjudicated then his RAR0046767 was then assigned to Shiela Clemons, after 194-day delay. However, it was Jodi Hunter who issued the August 16 denial. It suggests that Traci Brasher had knowledge due to oversight and engagement in the process.

In terms of Mark Underhill and Darla Dickerson at witnesses, likely have limited direct knowledge of the August 16, 2024, denial. As they both were former supervisors which were no longer in his chain of command in 2024. They both possibly could offer knowledge of FEMAs systemic handling of his RA requests, culminating in the denial and the January 6, 2025, termination.

When asked, would Donald Simko have direct knowledge to the Reasonable Accommodation denial on August 16, 2024, and termination on January 6, 2025. He explained, Don Simko would likely have direct knowledge to the August 16, 2024, RA denial process. Mr. Simko was involved in the ADR process, suggests that he know of his RA requests., RAR0046767, which was denied on August 16, 2024. though he lacked specific records pinpointing his role then.

## **STATEMENT OF MANAGEMENT OFFICIAL(S)**

### **ANTHONY IN**

Anthony In currently holds the position of Supervisory, Emergency Management Specialist, GS-13 for FEMA within the office of Recovery Division/ Public Assistance Branch. He has been with FEMA for nine (9) years and has held his current position for four (4) years. His first line supervisor is Jodi Hunter. Mr. In states that he is aware of the agency's policy on discrimination and is also aware of the anti-harassment policy. He also explains that he most recently completed No Fear Act Training.

Anthony In was asked how he knows the Complainant. He replied, the Complainant works under his supervision and also describes their relationship as normal.

Mr. In was asked what his age and does he have a disability. He states, he is 51 years old, and he does not have a disability. He states that he knows the Complainant because he is under his supervision. He describes their working relationship as normal.

When asked what the essential functions of the Complainant's position are. He explained the Complainant's position requires one to deploy to support the event and provide grand support to applicants. He also concludes that he did not subject the Complainant to discrimination. (**Tab F-3**)

### **JODI HUNTER**

Ms. Hunter currently serves as the Deputy Branch Chief for Field Staff, within the Public Assistance (PA) Branch, holding an Incident Cadre (IC) 14 position. She has been with FEMA's Recovery Division, PA Branch, since 2021 and has over 15 years of service with FEMA.

Ms. Hunter's first line supervisor is Donald Simko, PA Branch Chief and her second line supervisor is Arsany Thomas, Director.

Ms. Hunter stated that she is 62 years old, and she does have a disability.

During the interview, Ms. Hunter confirmed that she is aware of the agency's policy on discrimination and anti-harassment. She also stated that she completed the No Fear Act Training in 2024.

When asked about her relationship with the Complainant, Ms. Hunter explained that the Complainant worked for the Field Staff but that she did not have a close working relationship with him. She stated that she did not work with him much and did not know him well personally or professionally.

She noted that she became aware of the Complainant's age through the EEO and appeals process, specifically from one of his written responses, and identified him as a senior citizen based on that information.

When asked what the agency's policy is regarding being responsive and processing a reasonable accommodation request in a timely manner. Ms. Hunter referred the response to the Reasonable Accommodations Specialist, Shiela Clemons.

Ms. Hunter firmly stated that she did not subject the Complainant to discrimination. She explained that the Complainant's termination was based on his inability to perform the essential functions of his position. She stated: "He could not and would not physically deploy."

When asked to describe the essential functions of the Complainant's position, Ms. Hunter replied that the core responsibility of the role is to "support disasters," which requires the ability to physically deploy to disaster locations.

She concluded by stating that she did not subject the Complainant to discrimination. The Complainant was terminated because he could not perform the essential functions of the job stating, "He could not and would not physically deploy."

When asked about the essential functions of the Complainant's position she replied that the essential function of the position is to support disasters. (**Tab F-4**)

## **DONALD SIMKO**

Donald Simko currently serves as the Public Assistance, Branch Chief for FEMA - the Office of Response and Recovery Division. He has worked in the capacity of a Branch Chief, GS-14 since November 201, but as worked for the agency since November 2006.

Donald Simko first line supervisor is Arsany Thomas, Recovery Division Director and his second line supervisor is Tony Robinson, Regional Administrator. He states that he has been under their supervision for more than three years.

Ms. Simko stated that he is 50 years old, and he is 30% disabled thru the Veterans Administration, which is identified on his SF-50.

During the interview, Ms. Simko confirmed that he is aware of the agency's policy on discrimination and anti-harassment. He also stated that he completed the No Fear Act Training on September 25, 2024.

When asked about his relationship with the Complainant, Mr. Simko explained that the Complainant worked on the regions Public Assistance Field Team. He stated that he was his SOR, second line supervisor. He describes that he became aware of the Complainant's age through the ADR mediation process with the Complainant. He also stated that the Complainant did not inform him that he believed he was being harassed. (**Tab F-5**)

## **STATEMENT OF WITNESS(es)**

### **RUSSELL TOWNDROW**

Russell Towndrow states that he has been employed by FEMA since 2017 and has held his current position as a Public Assistance (PA) Group Supervisor, GS-13 for the past 4 years. He identified his first line supervisor as Jay Armstrong (Team Lead) and his second line supervisor as Michael Mahon, Branch Lead. Mr. Towndrow noted that he has been under their supervision for approximately one year.

He confirmed that he is aware of the Agency's policies on discrimination and stated he has completed the No Fear Act training.

Mr. Towndrow stated he knows the Complainant through working together, specifically noting that the Complainant served as his Task Force Leader (TFL) during Hurricane Ida. He described their working relationship as very good and remarked that the Complainant was good at his job.

When asked whether he was aware that the Complainant was being subjected to discrimination, Mr. Towndrow responded affirmatively. He stated that Mr. Meindl informed him that he had been denied a reasonable accommodation and also denied deployment on September 27, 2024. Mr. Towndrow clarified that he did not witness any

discriminatory behavior personally; his knowledge of the matter is based solely on what the Complainant shared with him. (**Tab F-6**)

### **SHIELA CLEMONS**

Shiela Clemons states that she is employed by EIG, as an independent Contractor. Her current position is a Contract Reasonable Accommodations Specialist/EEO Investigator. She explains that she has worked as an independent contractor for four (4) years and has held her current position for two (2) years as a Contract RA/Specialist. She explains that she is aware of the agency's policy on discrimination and anti-harassment. Ms. Clemons explains that she knows the Complainant as a Contract Reasonable Accommodations Specialist, as assigned to review and work on the Complainant's RA request. She describes their working relationship as business professional.

When asked about her age, she states that she is 76 years old. She adds that the Complainant did not inform her that he was being discriminated. When asked whether or not the Complainant was being subjected to discrimination, she responded no. (**Tab F-7**)

### **TRACI BRASHER**

Traci Brasher states that she has been employed by FEMA and has held her current position as a Deputy Regional Administrator, SES, since 2016. She has held her current position for approximately 16 months. She states her first line supervisor George A. Robinson, Regional Administrator and her second-line supervisor as Moline, Acting Chief of Staff. Ms. Brasher states she has been under their supervision for approximately nine (9) years. She explains that she is aware of the agency's policy on discrimination, and she is also aware of the agency's policy on anti-harassment. Ms. Brasher was asked to explain how she knows the Complainant, she states that he worked in Recovery Public Assistance, and she was the former Recovery Division Director. The Complainant would message her periodically about his Reasonable Accommodation cases. He wanted his position in the Field Operations to be 100% virtual because his previous position with Public Assistance he was able to virtual.

When asked about her age, she states that she is 55 years old. She adds that the Complainant did not inform her that he was being discriminated. When asked whether or not the Complainant was being subjected to discrimination, she responded no. (**Tab F-8**)

### **ANNA MYERS**

Anna Myers states that she has been employed by FEMA and has held her current position as an EEO Specialist, Reasonable Accommodations, GS-0260-13. She has held her current position for approximately 12 months. She states her first line supervisor is Alejandro Ortiz, Disability Program Manager. Ms. Myers states she has been under his supervision

since 2024 when he was the acting DPM, from April 2024 – present. She explains that she is aware of the agency's policy on discrimination, and she is also aware of the agency's policy on anti-harassment. Ms. Myers further explains that she also received No Fear Act Training on August 16, 2024.

Ms. Myers was asked to explain how she knows the Complainant, she states that she does not know the Complainant. She only processed his Reasonable Accommodation request after the denial was provided by the first- and second-line supervisor. Ms. Myers stated Anthony In, SOR reached out to the Complainant, to follow-up and determine if he was able to sign a copy of the RAR0046767 Final Agency Denial Letter. Max Meindl replied to the same email, dated December 3, 2024, "sent to my lawyer. Thank you for your assistance."( Tab F-9b). She states her communications regarding the reassignment were always polite and professional.

When asked did the Complainant inform her that he was being discriminated. She replied, not specifically. He was obviously unhappy that his reasonable accommodation request was denied and that he was asked to consider reassignment.

When asked about her age, she states that she is 52 years old. When asked whether or not the Complainant was being subjected to discrimination based on age and physical disability, she stated no. (**Tab F-9**)

## DARLA DICKERSON

Darla Dickerson states that she has been employed by FEMA for 19 years as an Emergency Management Specialist with Program Delivery Task Force Lead, GS 12 step 6. She has held her current position for approximately 4 years. She states her first line supervisor is Rachel Mckenzie, Public Assistance Infrastructure Branch Director and her second-line supervisor is Jodi Hunter, Deputy Branch Chief Field Staff. Ms. Dickerson states she has been under their supervision for approximately four (4) years. She explains that she is aware of the agency's policy on discrimination, and she is also aware of the agency's policy on anti-harassment. She also states that she completed No Fear Act Training, May 6, 2024. Ms. Dickerson was asked to explain how she knows the Complainant, she states that he worked as a subordinate under her leadership for multiple disasters and that they had a great working relationship. Ms. Dickerson was asked for record, what was her age, she stated that she is 47 years old. When asked if the Complainant informed her that he was being discriminated. She replied, yes on or about August 2024. The Complainant informed her of his concerns. He had submitted multiple requests for reassignment and Reasonable Accommodations, which were denied. Based on what she observed, these denials appeared to occur without appropriate due process. In her opinion, there should have been available positions that could have allowed for at least a temporary remote work reassignment. (**Tab F-10**)

**Accepted Issue and Basis: Whether the Complainant, Emergency Management Specialist, of Bellville, TX was discriminated against based on disability (physical) and age (1951) by management when the following incidents occurred:**

1. on August 16, 2024, Complainant's Reasonable Accommodation request was denied.

**STATEMENT OF COMPLAINANT**

**MAX MEINDL**

**Max Meindl** stated that his request for reasonable accommodation was denied by Anthony In, in January 2024. He explained that Mr. In requested he be available for a 50-week field assignment, when he was unable to fulfill due to his medical limitations. As a result of his inability to travel and deploy for 50 weeks, he was reassigned to the 'Closeout Team.'

Mr. Meindl further stated that the first formal denial of his reasonable accommodation request occurred on August 5, 2024.

Denial response dates:

On 8/05/2024: "Mr. Max Meindl received a formal denial of his request for 100% telework as a reasonable accommodation. The decision, issued by Mr. In, included the following rationale:

- Mr. Max Meindl's reasonable accommodation to seek 100% telework cannot be granted. It is understood that Mr. Meindl's indication that he could deploy is close to his home; however, I cannot consider that in a decision to grant the request. The option presented by Mr. Meindl is not a viable solution as I cannot grant him the ability to limit his deployment location. Given that Mr. Meindl would need to be sent wherever the disaster is located and his inability to do so would limit my ability, therefore, I must deny his request."

Second Denial 8.15.2024

- After careful consideration, Mr. Max Meindl's request to telework 100% of the time is denied. The approval to allow Mr. Meindl to telework 100% of the time would require that the Agency remove the essential function of deployment from his duties and responsibilities. Mr. Meindl signed his onboarding acknowledging that his position required that he deploy.

While I understand that Mr. Meindl; however, his acknowledgement that he cannot leave his house to deploy under any circumstances contributes to my decision. Finally, his branch (Infrastructure Branch, Recovery Division) supports disaster deployments on an almost daily basis. His temporary accommodation cannot continue as assignments of duties are totally unrelated to his current position of record and cannot be continued."

Mr. Meindl stated that on 8/22/2024, he informed the EEO Specialist within the Reasonable Accommodation Office, that he would no longer be able to perform the essential functions of his position, specifically the requirement to physically deploy. He cited ongoing health issues as the primary reason for this limitation.

Mr. Meindl explained that he was not initially aware that the position required up to 50 weeks of physical deployment per year and does not recall being advised of this requirement during the onboarding process. He stated that when his Supervisor of record (SOR) first discussed the deployment requirement with him, they began exploring ways to "unwind the situation" because he was physically unable to deploy.

He noted that the majority of his tenure with FEMA has been in a virtual status largely due to the declining health. He expressed appreciation for the proactive efforts of the SORs and leadership, who worked with him to develop and maintain effective accommodations that allowed him to enjoy the benefits and privileges of employment. He emphasized that virtual deployment was never an issue, but physical deployment remained a significant concern due to his health.

Mr. Meindl indicated that he and his SOR were initially engaged in discussions to develop an accommodation; however, the process did not move forward. He stated:

“From my perspective, my SOR, at that time, and maybe still is, is the deciding official, Anthony In, was working to figure something out, which we did, but the decision was overruled. It was unclear to me why it was overruled. I would like to assume it was because of a concern over my health. If so, why not a virtual deployment option.” “I have spoken with my SOR many times about my concerns over being underutilized and how I could do more for the mission. I was deployed, virtually from 09/2021 to 05/2023.”

The Complainant explained that he experienced harm as a result of the agency’s actions, citing increased mental discomfort, a declining in professional standing, and damage to his self-esteem. He explained that being sidelined from meaningful work assignments affected his career progression and left him feeling undervalued. This sense of marginalization created a stressful work environment, which led to reduced productivity due to a consistent lack of assigned tasks.

When asked why he believes he was treated differently based on his age and physical disability, the Complainant stated that he was isolated and marginalized in the workplace, receiving minimal work assignments and no meaningful opportunities for professional growth. He also referenced comments related to retirement which he suggested age discrimination.

Additionally, the Complainant noted that he did not receive any support or assistance in finding an alternative position within FEMA despite his expressed willingness to continue contributing. He believes that the combination of isolation, lack of assigned work, and absence of support indicated discriminatory treatment based on his age and disability. There were also comments made about his retirement suggest discrimination. Lack of work assignments indicates further discrimination based on these protected characteristics. (**Tab F-1**)

### **STATEMENT OF MANAGEMENT OFFICIAL(S)**

#### **ANTHONY IN**

When asked, are you the management official who failed to accommodate the Complainant’s Reasonable Accommodation request on August 16, 2024. He stated, he was not the responsible person, but he was aware of the reasons why management denied the Complainant’s Reasonable Accommodation request; however it was OCC, RA Staff and LER that provided guidance, processed the denial and was informed by the Reasonable Accommodation Office that the request had been denied. However, he confirmed that he was the official who issued the denial letter.

On January 2, 2024, the Complainant requested a reasonable accommodation of “remote/virtual/teleworking.” It was stated at that time, his position was as a Direct Charge Core (DCC), Emergency Management Specialist (Recovery). After receiving his request for reasonable accommodation, an RA Specialist was assigned on or about June 12, 2024. Management engaged with Max Meindl in interactive discussions with the guidance of an RA Specialist on the following dates: July 10, 11, 12, 24, 31 and August 5, 2024.

From January thru August 2024, before the denial was issued, he worked to ensure he provided 100% telework and it was noted in the DTS system that he was unavailable for deployment.

Also, during the onboarding, he engaged in interactive discussions with the Complainant, requesting for more detailed information about his limitations and his responsibility to physically deploy – as it was a key function of the role.

Mr. In stated that he acknowledged the Complainant's medical issues and reminded him of his obligations to deploy but still noted that he was unable to deploy in the DTS system. Continued conversations occurred with the Complainant from January - August 5, 2024, regarding the status of his medical issues and when would he be able to return. During this same period, he continued to support him by allowing him to telework and alternative work assignments while a final determination had been reached.

He further states on August 5, 2024, as the SOR, denied his request for virtual/remote/telework as it would require the agency to remove the following essential functions of his position as a DCC, Emergency Management Specialist (Recovery)

Mr. In explained that Mr. Max Meindl was unable to perform the essential functions of his position. His position required the following:

- That he serves as a front-line employee and the primary point of contact and interface with the public for technical support, program delivery, and advise of grant opportunities.
- That he must be ready to deploy physically anywhere in the United States or its territories at any time on a 24-hour notice.
- That frequent Temporary Duty (TDY) travel is required.
- That he is assigned to an emergency team designed to perform essential functions during an actual or impending crisis or declared national emergency, subject to recall during non-duty hours in the event of emergencies.
- That he is required by emergency assignment to be available to report to an emergency duty station during duty and non-duty hours by the fastest means available and be prepared to operate at the emergency duty station for an indefinite period.
- That deployments include working more than eight (8) hours a day or more than forty (40) hours per week, including weekends and holidays.
- Specifically, the Position Description states as a Condition of Employment that “The work is normally performed in an office setting. However, this position requires that the incumbent train, maintain a state of readiness, and be deployed into the possible high-risk environment of a disaster site. Conditions in some disaster environments may include irregular diet or rations; limited rest;

uncomfortable sleeping conditions; extensive overtime; an environment with unsanitary conditions; and related risks, such as reoccurrence of the disaster event (e.g., general hazards, or additional flooding). Travel may be required on short notice, during poor conditions. Extreme caution must be exercised to assure personal safety, as well as safety of co-workers and members of the public who look to the employee for guidance.”

Following this decision, the Complainant submitted a request for appeal to his second line supervisor of record, Jodi Hunter. On August 15, 2024, the second SOR, denied his request for non-deployment citing the foregoing essential functions required for job performance. His temporary accommodation could not continue as assignments of duties are totally unrelated to his current position of record and could not continue.

According to Mr. In, he informed the OCC of his desire to enter the reassignment process as an accommodation of last resort to an equivalent, vacant, funded position. Then on October 30, 2024, the Talent Recruitment and Acquisition Division informed him there were no vacant position which could serve as an accommodation of last resort. He concluded

However, when no such position could be identified, FEMA has exhausted all efforts to accommodate the Complainant through the reasonable accommodation process and proceeded with a denial. (**Tab F-3**)

### **JODI HUNTER**

**Jodi Hunter** was asked about her direct knowledge of the Complainant’s Reasonable Accommodation (RA) denial, specifically regarding the appeal decision made on August 16, 2025. She stated that she was directly involved in the process, as she was the official who denied the appeal.

The Complainant’s first line supervisor, Anthony In, issued the denial letter with the assistance from Reasonable Accommodations team. The Complainant submitted the RA request to his supervisor of record, Anthony In, via the designated portal, Anthony In.

The appeal stemmed from the Complainant’s inability to travel his request for 100% telework. However, the position he accepted an IC 12 position, required extensive travel and employment to disaster areas. These responsibilities, totaling over 300 days of travel per year, were essential functions of the position.

Although the Complainant was given one year to apply for another position, including his former IC-11 role, which became available during that time. However, he did not apply for that position or any other. If he is unable to perform the essential duties of the IC-12 role, even with accommodation, that presents a significant issue. He was made aware of the job expectations by his supervisor of record, Anthony In.

Ms. Hunter stated the agency's policy was followed and that the process was carried out in a timely manner. She further explained that she was the deciding official and the individual who denied the request, as the position required the incumbent to be in the field and physical deploy. If the employee could not perform the essential functions, he could not perform the duties of the job.

Ms. Hunter stated that, since the Complainant indicated he was unable to travel, the Agency temporarily assigned him to Closeouts, which aligned with the duties of his former role. However, she emphasized that he was aware of his current position required travel and disaster support, both of which are essential functions of the job. (**Tab F-4**)

### **DONALD SIMKO**

When asked was he the management official who failed to accommodate the Complainant's Reasonable Accommodation (RA) request on August 16, 2024. He replied, yes. "Max Meindl was unable to complete the essential functions of the position." Anthony In, SOR was responsible for processing the Complainant's Reasonable Accommodation request. He stated that the Complainant requested full-time remote work (telework). He submitted a Reasonable Accommodation request via FEMA Office of Civil Rights. Mr. Simko explained that it is unclear whether the Complainant properly submitted the request and that he was also unsure of when it was submitted. He also adds that he was unaware of the timeline for a response. However, the Complainant was provided a temporary reasonable accommodation approval until the OCR RA Specialist was assigned to the case and it was adjudicated. He explained that the Reasonable Accommodation Office was the subject of an Alternative Dispute Resolution mediation (Carletta McDowell, EEO Specialist and Greta Schauer, Mediator). He further stated that notes were not allowed for the ADR session. He concluded the Complainant was treated fairly and consistently with the agency's policy and procedures. (**Tab F-5**)

### **STATEMENT OF WITNESSES**

#### **RUSSELL TOWNDROW**

Russell Towndrow was asked what direct knowledge he has regarding management's denial of the Complainant's Reasonable Accommodation request on August 16, 2024. He stated that Max Meindl informed him via Microsoft TEAMs, that he had submitted an RA request, but it was denied.

When asked whether age or physical disability played a role in management's decision to deny the Complainant's RA request, Mr. Towndrow stated that he had no direct knowledge indicating that either factor influenced the decision. He further replied, "I honestly do not know why he was denied. I can say that Max did an amazing job for me in a virtual role as a supervisor TFL." (**Tab F-6**)

Shiela Clemons was asked what direct knowledge she has regarding management denying the Complainant's Reasonable Accommodation request on August 16, 2024. She replied that she was informed by Reasonable Accommodations that he was denied and therefore she issued the denial letter. "He was unable to perform the essential functions of his duties. The RA department tried to identify a position that would match his criteria. If the program could not identify his position that matched his criteria, then he would be terminated. Therefore, on January 6, 2025, he was issued a letter of termination. (**Tab F-7**)

### **TRACI BRASHER**

Traci Brasher was asked what direct knowledge she has regarding management denying the Complainant's Reasonable Accommodation request on August 16, 2024. She replied that Max Meindl messaged her in July 2024, about his cases which were still pending. There were four (4) cases that he submitted. She stated, she then reached out to his Deputy Branch Chief who confirmed that Max Meindl had four Reasonable Accommodation cases pending, therefore she asked her Mission Support Division Director to reach out to the Office of Civil Rights. OCR responded to Mission Support Division Director on July 10, 2024, which the case had been assigned for expedited processing. The Complainant messaged her again on December 5, 2024 about his Reasonable Accommodation would require removal of an essential function of the job.

She states she does not believe age and physical disability were factors in management denying his request. He was unable to perform the essential functions of the position. She further concluded that OCR looked for another position for Max Meindl to accommodate his limitations, but he could not identify a position prior to the decision to terminate. (**Tab F-8**)

### **ANNA MYERS**

Anna Myers was asked what direct knowledge she has regarding management denying the Complainant's Reasonable Accommodation request on August 16, 2024. She replied to the Complainant had advised her that his request was denied on August 16, 2024, who handled the case through the second line SOR, Jodi Hunter and he was assigned to continue the process through reassignment. She stated the Complainant did speak with her regarding the RA request. On August 16, 2024, she explained that she had advised the Complainant about the reassignment process, and he agreed to participate.

When asked whether she believed, age and physical disability were factors in the Complainant being denied his Reasonable Accommodation request. She stated, yes to physical disability, since it prevented him from performing the essential functions of his job. However, regarding age, she replied to no. Age was never a discussion during any of the conversations she did not know Max Meindl's age until she received this affidavit. (**Tab F-9**)

### **DARLA DICKERSON**

Darla Dickerson was asked what direct knowledge she has regarding management denying the Complainant's Reasonable Accommodation request on August 16, 2024. She replied the Complainant informed her that his request for Reasonable Accommodations appeared to have been denied without being thoroughly reviewed or genuinely considered by management. She stated the Complainant expressed his frustration to her, specifically regarding what he perceived as the discriminatory nature of the handling of Reasonable Accommodation request. When asked does she believe the Complainant's age and physical disability were factors in the Complainant being denied the Reasonable Accommodation request on August 16, 2024. She replied, yes. She stated that the Complainant's request warranted a more thorough and transparent review process. In her opinion, there were reasonable steps management could have taken to explore alternative solutions or temporary accommodations to support the Complainant's needs. (**Tab F-9**)

### **Complainant Rebuttal to RMO**

Max Meindl (hereafter referred to as the Complainant) denied Jodi Hunter's statement regarding the denial of his appeal for 100% telework. He challenged the assertion that physical deployment is an essential function of his position, claiming this rationale was false and pretextual under the *McDonnell Douglas* burden shifting framework for establishing a *prima facie* case of discrimination. He asserted: "I'm disabled, over 40, qualified for the position, (via telework) and faced adverse action."

The Complainant emphasized that he did not refuse deployment, but rather that his disability to deploy was limited due to a known physical disability information FEMA was allegedly aware of. He noted on May 29, 2024, he agreed to deploy to Houston when requested by his Supervisor of Record (SOR), Anthony In. However, that agreement was overruled by Anthony In within minutes. Additionally, on July 9, 2024, the Complainant expressed to Mr. In that he was willing to deploy despite an approaching storm, provided he could remain as close to home as possible with the understanding that the situation could be reassessed and adjusted as needed.

The Complainant further claimed that FEMA engaged in a pattern of delays and denials related to his RA requests. He cited several examples: RAR0023261, which he alleges was ignored for 730 days; RAR0042452, disregarded for 886 days; and RAR0046767 which was denied after 194 days. He asserted that each of these cases violated FEMA's 45-day processing standard under Directive 256-022-01, as well as the Americans with Disabilities Act (ADA) requirement for a timely interactive process. (**Tab F-2**)

**Accepted Issue and Basis: Whether the Complainant, Emergency Management Specialist, of Bellville, TX was discriminated against based on disability (physical) and age (1951) by management when the following incidents occurred:**

- 2. on January 6, 2025, Complainant was terminated.**

## STATEMENT OF COMPLAINANT

### MAX MEINDL

Mr. Meindl was asked who terminated his employment on January 6, 2025. He stated that while Anthony In was his SOR, other individuals were also involved in the process, including Jodi Hunter and Don Simko. He explained that the termination notice was sent via email and included an attachment dated January 6, 2025.

According to the Complainant, the Notice of Termination indicated that FEMA was unable to provide a reasonable accommodation within the agency that would allow him to continue his employment. Mr. Meindl stated that he did not agree with the decision to terminate him, citing reasons including, but not limited to the following:

- a. the policy cited for his termination did not align with the legal requirement under the Rehabilitation Act to provide accommodations on an individual basis.
- b. My performance evaluations met or exceeded expectations; the sudden change seems retaliatory.
- c. In the information communication with FEMA before this filing, he was told by legal counsel that they had a policy that would not allow for remote work. This did not address the need for remote work to be an accommodation, as it should be made on an individual basis and not a blanket policy
- d. This also did not address his clear ability to complete his job while working fully remote for the previous four years.
- e. The Supreme Court's decision in Smith v. City of Jackson, 544 U.S. 228 (2005), support the notion that policies can be discriminatory under the ADEA based on their impact, even without intent.

Mr. Meindl was asked was he fully meeting the requirement of the Program Delivery Task Force Leader, Emergency Management Specialist position. Not fully. "I could not meet the physical deployment requirement. I had been accommodated for 4 years with remote/telework informal accommodations." He acknowledged that during the course of his employment, he was counseled for performance issues. However, he stated his performance improved over time.

The Complainant was asked why he believes age and physical disability were factors in his termination. He stated that the timing of the noted performance issues and his subsequent termination directly followed his complaints regarding the agency's failure to adjudicate his reasonable accommodation requests in a timely manner.

He further explained that he felt isolated and marginalized, and that he was assigned very little work. He had expressed concerns to his SOR on multiple occasions about being underutilized and conveyed his willingness and desire to contribute more meaningfully to the agency's mission.

The Complainant concludes that the denial did not clearly address specific reasons such as, but not limited to:

- a. Denial must include specific reasons for the denial
- b. Why the requested accommodation would not be effective;
- c. Why the requested accommodation would result in undue hardship to the agency;
- d. Whether medical documentation provided was inadequate to establish that the individual has a disability and/or needs a reasonable accommodation
- e. Whether the requested accommodation would require the removal of an essential function.

The Complainant stated that the cumulative effect of these actions has not only negatively impacted and ultimately ended his career but has also affected his health and overall well-being. As

a result, he is seeking compensatory damages in the amount of \$6500 per month, continued health benefits, and punitive damages for emotional distress. (**Tab F-1**)

### **STATEMENT OF MANAGEMENT OFFICIAL(S)**

#### **ANTHONY IN**

Anthony In was asked why the Complainant was terminated on January 6, 2025, he stated he was informed of the decision by LER and subsequently issued the termination letter to the Complainant. The Complainant requested virtual/remote/telework as it would require the agency to remove the following essential functions of the position. Mr. In informed the Complainant on several occasions that he would be required to deploy to disasters. As a result of the Complainant's inability to travel and him not complying with the duties of the role, the decision was made to terminate the Complainant.

Mr. In stated he had an obligation to ensure that the work in the office was completed in a timely and efficient way. The position that Max Meindl occupied needed to be filled by an employee who could perform the essential functions of the position on a regular, full-time basis. As there is no foreseeable end to his inability to perform the duties of his position and to promote the efficiency of the service, as it was necessary to move forward with his removal.

After issuing the termination letter, Mr. In stated that he had no further communication with the Complainant regarding the matter. The Complainant chose not to sign the 'Final Agency Denial Letter' and 'Final Notice of Termination of Appointment.'

When asked whether he believed the Complainant's age and or physical disability were factors in the termination Mr. In responded no, explaining that the decision was based solely on the Complainant's inability to perform essential job functions specifically, the requirement to deploy to disaster sites. (**Tab F-3**)

#### **JODI HUNTER**

Ms. Hunter was asked about her knowledge regarding the Complainant being terminated on January 6, 2025. She stated the Complainant was unable to perform his essential functions of the role. He was made aware the role required travel. Refer to the Conditions of Employment, COE –

signed 10.31.2023. It states that the incumbent must be able to deploy within 24-48 hours per the COE. Also, the Complainant signed the Employee Onboarding Program, “Every Employee is an Emergency Manager” Pledge.

Ms. Hunter states the role that she played in this action was that she supported the decision to terminate the Complainant from their position, as he was unable to perform the essential functions of the role. Anthony In, issued the termination and she supported the decision. The Complainant could not perform the essential function of physically deploying to support disasters. He refused to deploy.

Ms. Hunter was asked was the Complainant treated differently who were not members in the Complainant’s protected class. She replied, he was not treated differently. He refused to deploy which was an issue. Disasters require in person deployment. (**Tab F-4**)

### **DONALD SIMKO**

When asked why the Complainant was terminated on January 6, 2025. He replied, the Office of Civil Right could not find a re-assignment within the agency that met the Complainant’s requirements. He replied, he had no role in this action, however; Labor Employee Relations was involved. He stated the Complainant could not perform the essential functions of his position. The position required deployment to disaster location, meet with state, local, territorial and tribal (SLTT) applicants to facilitate the formulation of Public Assistance Grants. When asked was the Complainant fully meeting these requirements, he stated that the Complainant would not travel. The agency offered the ability to transfer to a non-deployment (office) position. The Complainant declined the transfer. He added that the Complainant did speak with him. On December 4, 2024, the Complainant stated during the ADR Mediation, that he was informed they agency did not find him placement and he was awaiting his termination letter.

When asked whether the Complainant had been counseled for performance issues, he stated no.

Mr. Simko further elaborated that he was treated fairly and consistently with the agency’s policy. Age and or physical disability had nothing to do with the decision to terminate, he would not travel. He concluded that he had, not terminated any employee (including the Complainant) within the last two years – the agency has records of who signed termination’s letters (OCHCO-DataManagement@fema.dhs.gov). (**Tab F-5**)

### **STATEMENT OF WITNESSES**

### **RUSSELL TOWNDROW**

Russell Towndrow states he has no direct knowledge of the matter. He only received the message from Max Meindl on January 6, 2025, at 12:58 p.m. When asked whether or not age and physical disability were factors in management requesting the Complainant be terminated. He stated, “I do not know to be certain what factors were considered by management. I can say Max was very

## **SHIELA CLEMONS**

Shiela Clemons was asked what direct knowledge she has regarding management terminating the Complainant on January 6, 2025. She was informed by LER and subsequently she issued him the termination letter. The reasons for terminating the Complainant because he could not perform the essential functions of his job. She also expressed that she did not believe that age and his physical disability were factors in management terminating the Complainant on January 6, 2025. (**Tab F-7**)

## **TRACI BRASHER**

Traci Brasher was asked what direct knowledge she has regarding management terminating the Complainant on January 6, 2025. She stated, none. The Complainant was terminated because the accommodation would require removal of an essential function of the job and another position could not be identified. Max Meindl messaged her on December 4, 2024, about his Reasonable Accommodation request being denied because the accommodation would require removal of an essential function of the job, and he stated that he didn't want to lose his job.

She further explained that age and physical disability were not factors in management requesting the Complainant be terminated on January 6, 2025. (**Tab F-8**)

## **ANNA MYERS**

Anna Myers states she does not have any direct knowledge regarding management denying the Complainant's Reasonable Accommodation request on August 16, 2024. S

When asked does she believe age and physical disability were factors in management terminating the Complainant. "If the termination was a result of his medical inability to perform his job, it could be related to physical disability. (**Tab F-9**)

## **DARLA DICKERSON**

Darla Dickerson was asked what direct knowledge she had regarding management terminating the Complainant based on age and physical disability. She replied that she was not made aware of the termination by management. She only learned of the termination when the Complainant informed her on the day it occurred. On January 6, 2025, the Complainant informed her that he was being terminated and stated that he was instructed to return his government-issued equipment.

Ms. Dickerson states that she believes that age and physical disability were factors in management requesting the Complainant be terminated on January 6, 2025. She adds, from her perspective, the Complainant appeared to be capable of fulfilling his duties with a reasonable accommodation. The manner and timing of his termination raised concerns, especially given the history of his denied accommodation requests and his expressed belief that he was being discriminated against due to his age and physical disability. (**Tab F-10**)

## **Complainant Rebuttal to RMO**

**Complainant** states that he does not agree with Responsible Management's assertion that the termination of Anthony In and/or Jodi Hunter for "medical inability" was legitimate. He states his certificate of eligibility (COE), dated October 31, 2023, suggests that the claim of refusal is unfounded. He states that this rationale masks retaliation. He states that he never refused deployment, his health precluded it, and that he still sought to contribute despite challenges. He adds that he informed SOR, Anthony In, "if I can assist with closeouts, I'm all in." He further states that his termination occurred six months after escalating a reasonable accommodation request (RAR0046767) and 17 days after filing his formal EEO complaint. He explains that the timing, reflects a pattern of retaliation dating back to his 2018 complaint, in violation of the ADA's anti-retaliation provisions. He maintains that the "medical inability" label is baseless, particularly in light of his successful telework performance.

The Complainant further states that he had multiple conversations with Anthony. In regarding his underutilization and lack of work assignments. He expressed that he felt set

up for failure due to FEMA's refusal to provide tasks that aligned with his approved telework accommodation. He specifically references communications with Anthony In that took place on May 29, 2024 and July 9, 2024,

Table 1: Timeline of Key Events and Violations

Date	Description	Evidence/Outcome
Sept 21, 2018	Filed complaint HS-FEMA-01876 for disability issues	Closed without investigation (Oct 15, 2018)
March 2020-May 2023	Exemplary remote work (38 months)	Performance reviews; In approved (Chat, 3/19)
April 20, 2022	Heart attack; notified Cain	Chat with Cain, "had a heart attack on Sunday"
Jan 6, 2022	RA request RAR0023261 for cardiovascular needs	Ignored 730 days; no response
Aug 4, 2022	RA request RAR0042452 endorsed by Underhill	Ignored 886 days; Underhill Email (Aug 15, 2022)
Feb 23, 2023	Told Brasher RA requests "never get adjudicated"	Chat with Brasher, "senior citizen's experience"
Jan 2, 2024	RA request RAR0046767 for permanent telework	Denied after 194 days (Aug 16, 2024)
May 23-29, 2024	In asked about Houston; I agreed, overruled (9 min)	Chat with In, "I'd like to assist"; Table 1
July 9, 2024	Offered to deploy "close initially"; cited FEMA need	Chat with In, "You Are Needed More Than Ever"

<b>July 10, 2024</b>	Brasher: RA “very far behind”; HIPAA violation	Chat with Brasher; Clemons Email (ID #2024-MED-331)
<b>Aug 16, 2024</b>	RAR0046767 denied, citing “deployment duties”	Myers Email; Hunter Affidavit, p. 3
<b>Dec 20, 2024</b>	Filed formal EEO complaint	EEO Counselor’s Report
<b>Jan 6, 2025</b>	Terminated for “medical inability”	Termination Notice

**Table 2: Key Violations**

<b>Violation</b>	<b>Details</b>	<b>Legal Basis</b>
<b>ADA – No Interactive Process</b>	Delays up to 886 days (Aug 4, 2022); Brasher admits backlog (Chat, 7/10)	42 U.S.C. §12112(b)(5)(A); Barnett v. U.S. Air, 535 U.S. 391

<b>HIPAA Breach</b>	Unencrypted medical records (July 10, 2024; Chat with Brasher)	45 C.F.R. §164.312
<b>Retaliation</b>	Termination 17 days post-EEO complaint (Dec 20, 2024-Jan 6, 2025)	42 U.S.C. §12203(a); Clark County v. Breeden, 532 U.S. 268
<b>Age Bias</b>	Scrutiny at 74 despite success; “senior citizen” issues ignored (Chat, 2/23)	29 U.S.C. §623; Babb v. Wilkie, 140 S. Ct. 1168

**Table 3: Witnesses and Evidence**

Witness/Evidence	Role/Details	Contact/Relevance
<b>Jodi Hunter</b>	Denied appeal (Aug 16, 2024; Hunter Affidavit, p. 3)	Direct knowledge of denial decision
<b>Mark Underhill</b>	Endorsed RAR0042452 (Aug 15, 2022)	Evidence of ignored support
<b>Traci Brasher</b>	Admitted RA delays (Chat, 7/10, “very far behind”)	traci.brasher@fema.dhs.gov; systemic issues
<b>Richard Cain</b>	Notified of heart attack (Chat, 4/20/2022)	Confirms FEMA’s awareness of disability
<b>Anthony In</b>	Approved telework; asked about deployment (Chat, 5/23, 7/9)	Shows willingness, not refusal

<b>Shelia Clemons</b>	Assigned RA, sent unencrypted records (Chat, 7/10; Table 1)	HIPAA violation evidence
<b>Performance Reviews</b>	Exemplary telework (2020-2023)	Proves capability despite disability
<b>Chat Logs</b>	Brasher (2/23, 7/10), In (5/23, 7/9, “You Are Needed”), Cain (4/20)	Willingness, delays, health awareness
<b>Termination Notice</b>	Jan 6, 2025, cites “medical inability”	Evidence of pretextual termination

**(Tab F-2a)**

Table 1: Timeline of Key Events and Violations Discussions with Anthony In

Date	Description	Evidence/Outcome
Sept 21, 2018	Filed harassment complaint HS-FEMA-01876 for disability-related mistreatment.	Closed without investigation (Oct 15, 2018).
Nov 26, 2018	Submitted RA request RAR001234 for episodic telework.	Denied by Jamie McAllister (Dec 10, 2018), no process.

June 26, 2019	Supervisor Dennis Alexander denied FMLA leave, misstating eligibility.	Email, June 26, 2019.
March 4, 2020	Voiced retaliation concerns to HR: "I don't want to seem like a scare monger."	Email to HR.
March 2020–May 2023	Performed exemplary remote work.	Performance reviews; personal notes.
Sept 21, 2021	Filed RA request RAR0017691 for vaccine exemption (disability-based).	Misclassified as religious, delayed 87 days (Dec 17, 2021).
Oct 28, 2021	Submitted RA requests RAR0023025 (telework) and RAR0023278 (religious).	Unresolved for 1,195 days; no response.
Jan 6, 2022	Filed RA request RAR0023261 for cardiovascular needs.	Ignored for 730 days; no response.
April 20, 2022	Suffered heart attack; informed Richard Cain: "Will be off this week..."	Email, April 20, 2022.
Aug 4, 2022	Submitted RA request RAR0042452 for permanent telework; endorsed by Underhill.	RA Form; Underhill Email, Aug 15, 2022 (ignored).
Jan 2, 2024	Filed RA request RAR0046767 for permanent telework.	RA Form; denied after 194 days (Aug 16, 2024).
May 29, 2024	Discussed deployment with Anthony In; Houston proposal overruled in 9 min.	Personal notes; Email to FEMA-OCR-EEO, Aug 22.
July 10, 2024	Traci Brasher admitted RA delays; Shelia Clemons sent unencrypted records.	Teams Log; Clemons Email, ID #2024-MED-331 (HIPAA violation).
Aug 16, 2024	EEO Specialist Anna Myers denied RAR0046767, citing "deployment duties."	Email from Myers.

Sept 3, 2024	Contacted EEO counselor; interviewed Sept 18, 2024.	EEO Counselor's Report.
Oct 17, 2024	Retained attorney Brent Smith; mediation failed (Oct 15–Dec 4, 2024).	Personal records.
Dec 20, 2024	Filed formal EEO complaint.	EEO Counselor's Report.

Jan 6, 2025	Terminated for "medical inability."	Termination Notice.
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### Key Violations:

- ADA: No interactive process (e.g., RAR001234), delays up to 1,195 days (Table 1), and ignored endorsements (RAR0042452) violate 42 U.S.C. §12112(b)(5)(A) (Barnett v. U.S. Air, 535 U.S. 391).
- HIPAA: Unencrypted medical records (July 10, 2024) breach 45 C.F.R. §164.312.
- Retaliation: Termination post-EEO complaint aligns with Clark County v. Breeden.
- Age Bias: Excessive scrutiny at 74 despite strong performance violates ADEA (Babb v. Wilkie, 140 S. Ct. 1168).

### Witnesses and Evidence

- Witnesses:
  - o Jodi Hunter (denied appeal), Mark Underhill (endorsed RAR0042452), Traci Brasher (admitted delays), Richard Cain (notified of heart attack).
- Evidence:
  - o Performance reviews (2020-2023), RA forms, emails (e.g., Aug 22, 2024 to FEMA-OCR-EEO), Teams logs (Exhibit B, July 9, 2024), Termination Notice, Table 1. (**Tab F-2**)

The Complainant concludes that he repeatedly offered to assist with deployment on several occasions with management, specifically with Anthony In (5/23/2024, and 7/9/2024 – “You are needed more than ever.” Despite his disability, which FEMA know. He states, the tables aforementioned above shows consistent telework success, RA delays, and retaliatory termination, violating federal laws and reflecting discrimination based on his disability and age. (**Tab F-2a**)

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Source: Agency  
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F-11 Fact Sheet FEMA RA Process for Managers  
Source: Agency  
Page 295

F-11a Fact Sheet FEMA RA Process for Employees  
Source: Agency  
Page 301

F-12 Complainant Training Records  
Source: Agency  
Page 306

F-12a Complainant Training Records, part 2  
Source: Agency  
Page 332

F-13 Final Agency Denial Letter, dated November 26, 2024  
Source: Agency  
Page 334

F-14 Meindl Max DPE 3.13.23 - 4.27.23  
Source: Agency  
Page 338

F-15 Meindl Max DPE 5.18.23 - 8.30.23  
Source: Agency  
Page 341

F-16 Meindl Max DPE 9.3.23 – 9.19.23

Source: Agency  
Page 344

F-17 Meindl Max DPE 9.19.23 - 11.13.23  
Source: Agency  
Page 347

F-18 Meindl Max DPE 12.31.23 - 3.2.24  
Source: Agency  
Page 350

F-19 Meindl Max Rating of Record 2023  
Source: Agency  
Page 353

F-19a Meindl Max Rating of Record 2024  
Source: Agency  
Page 357

F-20 Meindl Max Performance Plan & Appraisal 2023  
Source: Agency  
Page 360

F-20a Meindl Max Performance Plan & Appraisal 2024  
Source: Agency  
Page 377

F-21 Reservist Instruction 2025  
Source: Agency  
Page 393

F-21a Reservist Program Directive  
Source: Agency  
Page 427

F-21b Instruction 010-6-3 FEMA Reservist Program  
Source: Agency  
Page 449

F-22 OCHCO Supervisory Essentials Fact Sheet  
Source: Agency  
Page 483

F-23 D. Underhill SF-50  
Source: Agency  
Page 487

F-24 PFT v TFT Fact Sheet  
Source: Agency  
Page 488

F-25 Investigator's Note  
Source: EEOC Investigator  
Page 491

F-26 Personnel Standards of Conduct Revision

Source: Agency  
Page 494

F-27 FEMA Directive Anti-Harassment Retaliation Policy

Source: Agency  
Page 521

F-28 Equal Opportunity and Affirmative Employment

Source: Agency  
Page 524

F-29 FEMA Anti-Harassment Program

Source: Agency  
Page 531

#### **Tab G: Miscellaneous Material**

G-1 Letter of Authorization – Max Meindl dated February 7, 2025

Source: Agency  
Page 545

G-2 Document Request dated February 10, 2025

Source: Investigator  
Page 548

G-3 IP Max Meindl (HS-FEMA-02430-2024) dated February 6,

2025 Source: Investigator  
Page 553

G-4 Hiring Basics FAQ

Source: Agency  
Page 567

G-5 Workforce Profile

Source: Agency  
Page 574

G-6 Organizational Chart Field Ops

Source: Agency  
Page 599

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**GPF 'QHTGRQTV**

#### **I." INVESTIGATOR's CERTIFICATION:**

Dated this 31st day of March, 2025 LaKisha Wilson  
LaKisha Wilson

# TAB A-1

Individual Complaint of Employment Discrimination

DEPARTMENT OF HOMELAND SECURITY  
**INDIVIDUAL COMPLAINT OF EMPLOYMENT DISCRIMINATION**  
*(Use this form for original complaints and amendments.)*

**FOR OFFICIAL USE ONLY**  
 DEPARTMENT CASE NUMBER  
**HS-FEMA-02430-2024**  
 FILING DATE  
**12/20/2024**

**PART I COMPLAINANT IDENTIFICATION**

1. NAME (Last, First, Middle Initial) <b>Meindl, Max J</b>		5. NAME AND ADDRESS OF ORGANIZATION WHERE YOU WORK (If a Department of Homeland Security Employee)  Bureau or Component <b>DHS/FEMA</b> Office and Organizational Unit <b>recovery/public assistance</b>		
2. TELEPHONE (Include Area Code) AND EMAIL  Home (832) 293-3671		Street Address <b>500 C St SW</b>		
Work (202) 374-9426		City <b>Washington</b>	State <b>DC</b>	Zip Code <b>20024</b>
Email Address <b>max.meindl@fema.dhs.gov</b>		6. EMPLOYMENT STATUS IN RELATION TO THIS COMPLAINT		
Alternate Email Address <b>femamax@gmail.com</b>		<input checked="" type="checkbox"/> Applicant <input type="checkbox"/> Probationary <input type="checkbox"/> Career/Career Conditional  <input type="checkbox"/> Uniformed Service Member  <input type="checkbox"/> Former Employee/Member      Date Left Department _____  <input type="checkbox"/> Retired      Date of Retirement _____  <input type="checkbox"/> Other (Specify) _____		
3. HOME ADDRESS (You must notify the Department of any change of address while complaint is pending, or your complaint may be dismissed.)  <b>5 E Austin Bellville, TX 77418</b>				
4. IF YOU ARE A CURRENT OR FORMER EMPLOYEE OF THE FEDERAL GOVERNMENT, LIST YOUR RECENT TITLE, SERIES, AND GRADE.  Title <b>Emergency Management Specialist</b>				
Series <b>089</b>	Grade <b>12</b>			

7. I certify that all statements made in this complaint are true, complete, and correct to the best of my knowledge and belief.

SIGNATURE OF COMPLAINANT OR ATTORNEY REPRESENTATIVE

DATE

**12/20/2024**

**PART II DESIGNATION OF REPRESENTATIVE**

8. YOU MAY REPRESENT YOURSELF IN THIS COMPLAINT OR YOU MAY CHOOSE SOMEONE TO REPRESENT YOU. YOUR REPRESENTATIVE DOES NOT HAVE TO BE AN ATTORNEY. YOU MAY CHANGE YOUR DESIGNATION OF A REPRESENTATIVE AT A LATER DATE, BUT YOU MUST NOTIFY THE DEPARTMENT IMMEDIATELY IN WRITING OF ANY CHANGE, AND YOU MUST INCLUDE THE SAME INFORMATION REQUESTED IN THIS PART.

"I hereby designate (Please Print Name) **Brent Smith** to serve as my representative during the course of this complaint. I understand that my representative is authorized to act on my behalf."

Is the representative an attorney?  YES  NO

9. REPRESENTATIVE'S MAILING ADDRESS  FIRM/ORGANIZATION <b>Law Offices of Brent W. Smith, PLLC</b>		10. REPRESENTATIVE'S EMPLOYER (If Federal Agency)	
STREET ADDRESS <b>16516 El Camino Real #406</b>		11. REPRESENTATIVE'S TELEPHONE (Include Area Code)/EMAIL  Telephone <b>832.548.0350</b> Email Address <b>brent@bwsmithlaw.com</b>	
CITY, STATE, & ZIP CODE <b>Houston, TX 77062</b>		12a. COMPLAINANT'S SIGNATURE	12b. DATE <b>12/20/2024</b>

### PART III ALLEGED DISCRIMINATORY ACTIONS

13. NAME OF PERSON OR DHS COMPONENT WHO TOOK THE ACTION AT ISSUE. FEMA	14. ARE YOU WILLING TO PARTICIPATE IN MEDIATION OR OTHER AVAILABLE TYPES OF ALTERNATIVE DISPUTE RESOLUTION TO RESOLVE YOUR COMPLAINT?
ORGANIZATION Recovery/PA	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
STREET ADDRESS 500 C St SW	
CITY, STATE, & ZIP CODE Washington, DC 20024	

15. A. Describe the action taken against you that you believe was discriminatory.  
B. Give the date when the action occurred, and the name of each person responsible for the action.  
C. Describe how you were treated differently from other employees, applicants, or members for any of the reasons listed in Item 16.  
D. Indicate what harm, if any, came to you in your work situation as a result of this action. (You may, but are not required to, attach extra sheets.)  
E. If the basis of your complaint is based on parental status, use this form, but your complaint is not statutorily based and will follow separate, parallel process.

[Department of Homeland Security]

## **FORMAL COMPLAINT OF EMPLOYMENT DISCRIMINATION**

16. Mark below **ONLY** the bases you believe were relied on to take the actions described in Item 15.

RACE (Specify)  
 COLOR (Specify)  
 RELIGION (Specify)  
 NATIONAL ORIGIN (Specify)  
 SEX (Specify)  
 Pregnancy    Gender Identity    Sexual Orientation

AGE (Year of Birth)  
 PHYSICAL OR MENTAL DISABILITY (Describe)  
health conditions require virtual deployment  
 RETALIATION/REPRISAL (Dates of Prior EEO Activity)  
 GENETIC INFORMATION  
 PARENTAL STATUS

- 17. WHAT REMEDIAL OR CORRECTIVE ACTION ARE YOU SEEKING TO RESOLVE THIS MATTER?**

Continued remote work as has been accommodated for the past 5 years due to disability(s)

18. ON THIS SAME MATTER, HAVE YOU FILED A GRIEVANCE OR APPEAL UNDER:

#### Negotiated grievance

#### Agency grievance procedure

#### **Merit Systems Protection Board appeal procedure**

If you filed a grievance or appeal, provide date filed, case number, and present status.

YES       NO  
 YES       NO  
 YES       NO

## PART IV CONTACT

**EEO/EO Counseling is not required if you are requesting amendment of an existing, open complaint.**  
**Complete items 24 and 25, even if you did not contact a counselor.**

**DEPARTMENT OF HOMELAND SECURITY**  
**DHS FORM 3090-1, INDIVIDUAL COMPLAINT OF EMPLOYMENT**  
**DISCRIMINATION FORM INSTRUCTIONS**

(Read the following instructions carefully before you complete this form.)

(Please complete all items on the complaint form.)

**GENERAL:** This form should be used only if you, as an applicant for employment with the Department of Homeland Security (DHS), or as a present or former Department of Homeland Security employee:

1. believe you have been discriminated against because of your **race, color, religion, sex** (including pregnancy, gender identity, and sexual orientation), **national origin**, age (40 years or older at the time of the event giving rise to your claim), **physical or mental disability, genetic information** or in **reprisal** for opposition to activities protected by civil rights statutes, or participation in proceedings to enforce those statutes; **or**
2. believe you have been discriminated against because of your **parental status**. Your claim is not covered under statutory basis, but will be processed under a parallel procedure, **and**
3. have presented the matter for informal resolution to an Equal Employment Opportunity (EEO) Counselor giving rise to your claim, or when first becoming aware of the alleged discrimination. If you are amending or providing additional evidence to an existing open complaint, the form should be used, but EEO counseling is not required.

**IMPORTANT NOTE:** In certain situations, the information provided in Part III of the attached complaint form may be used in lieu of an affidavit in the investigation of your complaint. Accordingly, the information you provide in this part should be brief, clear, and complete.

**WHEN TO FILE:** In accordance with 29 CFR 1614.106, your formal complaint must be filed within **15 calendar days** of the date you received the "Notice of Right to File a Discrimination Complaint" from your EEO Counselor. You must sign and date your complaint. If you are represented **by an attorney**, the attorney may sign the complaint on your behalf.

These time limits may be extended:

- 1) if you show that you were not notified of the time limits and were not otherwise aware of them, **or**
- 2) if you were prevented by circumstances beyond your control from submitting the matter within the time limits, **or**
- 3) for other reasons considered sufficient by the Department.

**REPRESENTATION:** You may have a representative of your own choosing at all stages of the processing of your complaint. However, your representative will be disqualified if such representation would conflict with the official or collateral duties of the representative. No EEO Counselor, EEO Investigator or EEO Officer may serve as a representative. (Your representative need not be an attorney, but only an attorney representative may sign the complaint on your behalf.)

**WHERE TO FILE:** In accordance with 29 CFR 1614.106(c), your written complaint must be signed by you or your attorney. The complaint should be filed with the EEO Director of the Department of Homeland Security component where the alleged discrimination occurred. (Filing instructions are contained in the "Right to File" form, which was provided by your Counselor.) Keep a copy of the completed complaint form for your records.

## PRIVACY ACT STATEMENT

1. **FORM/TITLE/DATE:** Department of Homeland Security (DHS) DHS Form 3090-1, **Individual Complaint of Employment Discrimination** with the Department of Homeland Security.
2. **AUTHORITY:** 42 USC 2000e; 29 USC 633a; 29 USC 791; 5 USC 1303 and 1304; 5 CFR 5.2 and 5.3; 29 CFR 1614.105 and 1614.107; and Executive Order 11478, as amended.
3. **PRINCIPAL PURPOSES:** The purpose of this complaint form, whether recorded initially on the form or taken from a letter from the Complainant, is to record the filing of a formal written complaint of employment discrimination with the Department of Homeland Security on the grounds of race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, age, physical or mental disability, protected genetic information, parental status or retaliation. Information provided on this form will be used by DHS to determine whether the complaint was timely filed and whether the allegations in the complaint are within the purview of 29 CFR Part 1614, to provide a factual basis for investigation of the complaint, and to reach a decision on the complaint. It also records an amendment or additional evidence to an open, pending complaint.
4. **ROUTINE USES:** Other disclosures may be:
  - a. to respond to a request from a Member of Congress regarding the status of the complaint or appeal;
  - b. to respond to a court subpoena and/or to refer to a district court in connection with a civil suit;
  - c. to disclose information to authorized officials or personnel to adjudicate a complaint or appeal; or
  - d. to disclose information to another Federal agency or to a court or third party in litigation when the Government is party to a suit before the court.
5. **WHETHER DISCLOSURE IS MANDATORY OR VOLUNTARY, AND EFFECT OF NOT PROVIDING INFORMATION:** Formal complaints of employment discrimination must be in writing, signed by the Complainant (or attorney representative), and must identify the parties and action or policy at issue. Failure to comply may result in the Department of Homeland Security dismissing the complaint. It is not mandatory that this form be used to provide the requested information.

## OMB STATEMENT

In accordance with the Paperwork Reduction Act, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB Control Number for this information collection is 1610-0001. The time required to complete this information collection is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

[Department of Homeland Security]

## FORMAL COMPLAINT OF EMPLOYMENT DISCRIMINATION

Department Case Number: 02430-24

Complainant: Max Meindl

Date of Submission: December 20, 2024

### STATEMENT OF FACTS\

#### I. Introduction

- a. I, Max Meindl, hereby lodge this formal complaint alleging employment discrimination on the grounds of disability, under the Department of Homeland Security (DHS) policies and relevant federal anti-discrimination statutes.

#### II. Background:

- a. Position: Emergency Management Specialist, Public Assistance Branch
- b. Tenure: Over 7 years of service
- c. Previous informal telework/remote work service: Covid 3/31/2020 –
- d. Previously approved for virtual deployment/telework on the following dates:
- e. 11/22/2022 – 11/22/2023
- f. Original job description includes the following statement:

##### i. **Remote job**

Yes - This position is eligible for remote work arrangements consistent with applicable FEMA policy. Remote work arrangements may be approved at the time of selection and the duty station will be determined based upon the negotiated worksite location. For this position, remote work arrangements will be considered from Remote Worksites in FEMA Region 6 States; including New Mexico, Oklahoma, Texas, Arkansas, or Louisiana.

#### III. Nature of Discrimination:

- a. Disability Discrimination: My health conditions require virtual deployment as previously provided by FEMA, which is now being denied.

#### IV. Specific Incidents:

- a. Ongoing Issue Since December 2023: limited to virtual deployment only due to my health limitations
- b. January 2, 2024: Formal submission of a request for Reasonable Accommodation (RAR) to continue remote work duties.
- c. Employee was directed to apply for medical retirement.
- d. Reasonable Accommodation Request Outcome:
- e. The aforementioned RAR was denied by my Supervisor of Record (SOR) and his superior officer.
- f. No undue hardship was provided.

**V. Dispute Resolution:**

- a. An attempt to mediate through the Equal Employment Opportunity (EEO) office's Alternative Dispute Resolution (ADR) process yielded no satisfactory resolution.

**VI. Chronology of Events**

- a. November 2022 – renewal of 100% telework approved for 1 year.
- b. December 2023 – renewal of 100% telework agreement approved for (no end date listed).
- c. December 2023: Initial recognition of deployment issues due to health constraints.
- d. January 2, 2024: Submission of RAR for continued remote work arrangements.
- e. July 8th, 2024: 190 days after the Employee filed RAR, the employee followed up with leadership.
- f. July 10<sup>th</sup>, 2024: Supervisor directed to stand down, and await further instructions.
- g. July 22<sup>nd</sup>, 2024: communication with EEOC begins
- h. August 16<sup>th</sup>, 2024 – employee's RA request is denied, under the claim that the employee can no longer accomplish their essential functions.
- i. September 3<sup>rd</sup>, 2024: formal acknowledgment of informal complaint by EEO office received.
- j. Informal ADR was performed, wherein no alternative was given, no other position was offered, and the only recommendation was a forced retirement for medical reasons.

**VII. Impact on Employment**

- a. Workload and Opportunities: employees' capacity to work has been unduly restricted, with opportunities for deployment withheld despite their prior successful remote work tenure.
- b. Perceived Retaliation: Following the employees' statement of concerns, Supervisor of Record was directed to "stand down," implying an attempt to suppress further discussions on accommodations.
- c. The final recommendation from the agency is medical retirement.

**VIII. Request for Action**

I respectfully request that the Department of Homeland Security:

1. Undertake a comprehensive investigation into these allegations of discrimination.
2. Reassess and adjudicate my previously denied Reasonable Accommodation Request with due diligence.
3. Ensure that no further discrimination based on my disability ensues.
4. Rectify any retaliatory actions, safeguarding my employment status and career advancement.

**IX. Conclusion**

This complaint underscores a series of incidents that have adversely affected my professional capabilities within DHS. I seek a resolution that upholds principles of equity, non-discrimination, and professional integrity.

Signature: Max Meindl



Date: December 20, 2024

Note: This document is prepared and presented in strict adherence to DHS procedures for lodging employment discrimination complaints, with an expectation for confidential and diligent handling.

# TAB A-2

## Anonymity Form



FEMA

## ANONYMITY FORM

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Case Number:**FEMA-03389-2024**

I have been advised of my right to remain anonymous during the informal processing stage.

I elect to remain anonymous

I elect to waive anonymity

09/18/24

---

Signature of Aggrieved Individual

Date

# TAB B

## EEO Counseling Documents

# **TAB B-1**

## EEO Counselor's Report



FEMA

Federal Emergency Management Agency

## EEO COUNSELOR'S REPORT

29 CFR §1614.105

AGENCY CASE NUMBER:

HS-FEMA-02430-2024

## Section I: INITIAL INTERVIEW

## A. Aggrieved Person's (AP) Identifying Information

NAME/ TYPE OF EMPLOYMENT:	Max J. Meindl		
TITLE/SERIES/GRADE:	Emergency Management Specialist , GS-12		
PLACE OF EMPLOYMENT:	FEMA/CORE Tara-Office of Civil Rights	WORK PHONE: (include area code)	202-374-9426
HOME ADDRESS:	5 E. Austin St. Bellville, TX 77418	PHONE: EMAIL:	Cell: 832-293-3671 Max.meindl@fema.dhs.gov
OFFICE DISCRIMINATION OCCURRED:	DEPLOYED:		

## B. Information on Aggrieved Person's Representative (if any)

NAME:	Brent Smith		
ADDRESS:	16516 EL Camino Real #406 Houston, TX 77062	Phone: Email:	832-548-0350 brent@bwsmithlaw.com
IS REPRESENTATIVE AN ATTORNEY?	<u>NO</u>	<u>X</u> YES	

## C. Basis(es) of Discrimination Only check the boxes for the basis(es) alleged by the Aggrieved and fill-in specifics in the space to the right.

RACE:			SEX:	
COLOR:			X AGE (40+):	1951
RELIGION:			X DISABILITY:	physical
NATIONAL ORIGIN:			X REPRISAL:	No Prior EEO Activity
PARENTAL STATUS: (DEPARTMENT)			GENETIC INFORMATION:	
SEXUAL ORIENTATION: (DEPARTMENT)			OTHER:	

## D. Issue(s) - Employment Related Matter(s) In Dispute Only check the boxes for the issue(s) alleged by the aggrieved.

X	APPOINTMENT/HIRE	EVALUATION/APPRaisal	X	REASONABLE ACCOMMODATION
	ASSIGNMENT OF DUTIES	EXAMINATION/TEST		REINSTATEMENT
X	AWARDS	HARASSMENT/NON-SEXUAL		RETIREMENT [INCLUDING CONSTRUCTIVE DISCHARGE RETIREMENT]
	CONVERSION TO FULL-TIME	HARASSMENT/SEXUAL	X	TERMINATION [NON-DISCIPLINARY]
	DISCIPLINARY ACTION – DEMOTION	MEDICAL EXAMINATION	X	TERMS/CONDITIONS EMPLOYMENT
	DISCIPLINARY ACTION – REPRIMAND	PAY/INCLUDING OVERTIME [DENIAL OF WIGI]		TIME AND ATTENDANCE
	DISCIPLINARY ACTION - SUSPENSION -OVER 14 DAYS	PROMOTION/NON-SELECTION 000047		TRAINING

	DISCIPLINARY ACTION – REMOVAL		REASSIGNMENT / - DENIED REASSIGNMENT	OTHER: (SPECIFY IN SPACE BELOW)
	DUTY HOURS	X	REASSIGNMENT – DIRECTED REASSIGNMENT	

**E. Date(s) of Alleged Discriminatory Event(s):**

DATE(S):	<ul style="list-style-type: none"> <li>• January 2, 2024</li> <li>• July 10, 2024</li> <li>• August 12, 2024,</li> <li>• </li> </ul>
45 <sup>th</sup> DAY AFTER EVENT(S):	<ul style="list-style-type: none"> <li>• January 2, 2024: 45<sup>th</sup> Day - February 16, 2024</li> <li>• July 10, 2024: 45<sup>th</sup> Day - August 24, 2024</li> <li>• August 12, 2024: 45<sup>th</sup> Day - September 26, 2024</li> <li>• </li> </ul>
Reason provided for delayed contact beyond the 45 <sup>th</sup> day, if applicable: N/A	

**F. Name & Title of Involved Management Official(s) and other witnesses (if known).**

NAME & TITLE:	Anthony In, Supervisory Emergency, (R RC-PA), 202-615-6165, anthony.in.fema.dhs.gov
---------------	---

**G. Precise description of the Aggrieved Person's Claim(s) and Initial Interview**

Claim: Whether AP was discriminated against on the basis of age (1951), disability (physical) and reprisal by management when the following occurred:

1. On January 2, 2024, AP states he requested reasonable accommodation to telework.
2. On July 10, 2024, AP states his reasonable accommodation was denied.
3. On August 12, 2024, AP states he appealed the reasonable accommodation denial.

AP (Max Meindl) states he requested a reasonable accommodation January 2, 2024, but did not receive a response until after requested assistance on July 10, 2024. AP states he filed previously several RA's which are still open. See below:

RAR0046761 has been open for 190 days

RAR0042452 open for 707 days

RAR0023278 OPEN FOR 985 days

RAR0023261 open for 986 days

AP states he was informed by management Mr. Anthony In, regarding the interactive process and the essential functions of his position, and his request for a reasonable accommodation (work from 100%) was denied.

AP further stated his Supervisor of Record (SOR) during the time of his complaint and current is Anthony In. Mr. Meindl's states he discussed with Mr. In resulted initially in acceptable and agreeable solutions regarding Mr. Meindl's placement/work duties and opportunities to contribute through a proposed physical deployment to Houston or continue to work on a virtual basis.

**Management Response:** Management was not interviewed. AP elected to participate in mediation.

Witness Interviews: None

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**H. Remedy Requested by the Aggrieved Person.**

1. By reason of the foregoing, I want Virtual Deployment.
  2. By reason of the foregoing, I want a position that correlates to my knowledge and experience.
- 

**Section II. EEO Counselor's Checklist**

<b>A.</b>	Counselor issued Counselor the following: <ul style="list-style-type: none"><li>• ADR Consent Form</li><li>• Designation of Representative</li><li>• EEO Counselor Checklist</li><li>• Complainant's Rights and Responsibilities</li><li>• Anonymity Form</li><li>• EEO Process Form</li><li>• Withdrawal Form</li></ul>	DATE:	Sent via email: September 17, 2024
		RECEIPT #	Received: September 18, 2024

**B. Aggrieved Person Was Advised About Possible Elections (where applicable)**

1.	COMPLAINANT WAS ADVISED OF HIS/HER RIGHT TO ANONYMITY DURING THE PRE-COMPLAINT STAGE.	Yes	ADVISED AND DOES NOT REQUESTS ANONYMITY
2.	IF THE MATTER IN DISPUTE IS APPEALABLE TO THE MSPB, WAS THE AGGRIEVED PERSON SPECIFICALLY ADVISED OF THE RIGHT TO FILE A MIXED-CASE COMPLAINT OR A MIXED-CASE APPEAL, BUT NOT BOTH?	Yes	ADVISED AND NOT MSPB MATTER
3.	IF THE AGGRIEVED PERSON IS COVERED BY A COLLECTIVE BARGAINING AGREEMENT, WAS HE/SHE SPECIFICALLY ADVISED OF THE RIGHT TO FILE EITHER A COMPLAINT OR A GRIEVANCE, BUT NOT BOTH?	Yes	AGGRIEVED ADVISED. DOES NOT HAVE A GRIEVANCE.
4.	IF THE AGGRIEVED PERSON IS ALLEGING AGE DISCRIMINATION, WAS HE/SHE SPECIFICALLY ADVISED OF THE RIGHT TO BY-PASS THE AGENCY COMPLAINT PROCESS AND FILE A CIVIL ACTION AFTER 30 DAYS NOTICE TO THE EEOC'S OFFICE OF FEDERAL OPERATIONS?	Yes	AGGRIEVED ADVISED AND IT IS NOT AN ADEA COMPLAINT
5.	THE AGGRIEVED PERSON WAS FULLY INFORMED ABOUT THE AVAILABILITY OF ADR.	Yes	AGGRIEVED ADVISED AND DID ELECT ADR

**C. Aggrieved Person asserts basis(es) not covered by EEO regulations**

DID THE AGGRIEVED ASSERT:	NO	YES	IF YES, THE FOLLOWING ADVISEMENT MUST BE GIVEN.
REPRISAL FOR MAKING WHISTLE-BLOWER DISCLOSURES?	X		REPRISAL FOR WHISTLE BLOWING DISCLOSURES IS NOT WITHIN THE PURVIEW OR JURISDICTION OF FEDERAL EEO COMPLAINT PROCESS. SPECIFIC PROTECTION IS AFFORDED UNDER THE WHISTLE BLOWER PROTECTION ACT THROUGH THE OFFICE OF SPECIAL COUNSEL AT THE MSPB.
REPRISAL FOR FILING A NEGOTIATED GRIEVANCE?	X		OBTAIN A COPY OF THE GRIEVANCE.
ANY OTHER NON-EEO ISSUE?	X		DESCRIBE:

**Section III. Complaint Referred to ADR - RESOLVE Program - for pre-complaint processing**

Date the Aggrieved Person elected to pursue mediation.	DATE:	October 24, 2024
Date Assigned to Mediator	DATE:	October 28, 2024
Date for pre-complaint counseling to conclude: [enter date 90 days from date of Initial Interview]	DATE:	N/A
Date advised by Mediator that ADR was completed 000049	DATE:	December 4, 2024

**Date Notice of Right to File a Discrimination Complaint Issued to the Aggrieved Person who elected ADR: Check one**ADR was unsuccessful. DATE: December 4, 2024

ADR has been completed.

**Section IV. Summary of Informal Inquiry/Information Gathered****A. Documents Provided, Requested, and/or Reviewed:**

The following documents were provided by AP:

The following documents were submitted by Management: N/A

The following documents were requested during informal counseling and are pending receipt: N/A

The following documents were reviewed during informal counseling: N/A

**Section V. Summary of Attempted Resolution****Section VI. Chronology of EEO Counseling Effort (as applicable): N/A**

Date of initial contact to request EEO Counseling:	DATE:	September 3, 2024
Date Initial Interview Conducted and Aggrieved received Intake Forms and Rights and Responsibilities package:	DATE:	September 18, 2024
Date Aggrieved Submitted Intake Forms and Rights and Responsibilities package to EEO Counselor:	DATE:	Oct 17, 2024
Date of Extension Agreement (if any):	DATE:	September 17, 2024
If an extension is agreed to, note the not-to-exceed date:		
Date of election to use ADR:	DATE:	October 15, 2024
Date notified that ADR completed:	DATE:	December 4, 2024
Date of Final Interview:	DATE:	December 5, 2024
Date Notice of Right to File a Discrimination Complaint Issued (E-Mail)	DATE:	December 5, 2024
Date Filed Formal Complaint	DATE:	December 20, 2024
Date EEO Counselor's Report submitted:	DATE:	January 7, 2025.

**Section VII. EEO Counselor's Submission of Report**

NAME OF EEO COUNSELOR:	Janet Kelley		
OFFICE ADDRESS:	Office of Civil Rights 500 C Street, SW 4SW-0915 Washington, DC 20472-3505		
PHONE NUMBER:	202-802-6485		
SIGNATURE OF EEO COUNSELOR:			
	DATE:	January 7, 2025	

**Section IX. Prior EEO Activity N/A**

Case Number:		Basis and Claims:	
		000050	

RMO/DMO:	
Prior EEO Activity	
Case Number:	Basis and Claims:
RMO/DMO:	

# TAB B-2

## Notice of Right to File

**ATTACHMENT 4**  
**NOTICE OF RIGHT TO FILE FORMAL COMPLAINT**



## NOTICE OF RIGHT TO FILE FORMAL COMPLAINT

December 5, 2024

*Via email at:* [maxmeindl@fema.dhs.gov](mailto:maxmeindl@fema.dhs.gov)

Max J. Meindl  
5 E. Austin St.  
Bellville, TX 77418

RE: Agency File No.: HS-FEMA-02430-2024

Dear Max J. Meindl:

This serves as the Notice of Right to File a formal complaint required by the Equal Employment Opportunity (EEO) complaint process implementing regulations at 29 Code of Federal Regulations, Section 1614.105, on the above-referenced informal EEO complaint.

Your complaint was not resolved during the informal complaint process; thus, I am required to issue you this Notice of Right to File a formal EEO complaint. If you wish to file a formal EEO complaint, please send your formal complaint to the Office of Equal Rights (OER) within 15 calendar days from the date you receive this letter to following address by mail or email:

Office of Equal Rights (OER)  
ATTN: Angela McGonigal, EEO Chief  
Federal Emergency Management Agency (FEMA)  
U.S. Department of Homeland Security  
500 C Street, SW  
4<sup>th</sup> Floor – 4SW-0915  
Washington, DC 20472-3535

Email: [Angela.McGonigal@fema.dhs.gov](mailto:Angela.McGonigal@fema.dhs.gov)  
[FEMA-OCR-EEO@fema.dhs.gov](mailto:FEMA-OCR-EEO@fema.dhs.gov)

The formal complaint must be sufficiently precise to identify the aggrieved individual and the agency and to describe generally the action(s) or practice(s) that form the basis of the complaint. It must contain only the issues specifically raised in the informal complaint process or like or related to those discussed. The complaint must state if you have filed a grievance under the

negotiated grievance procedures or an appeal to the Merit Systems Protection Board (MSPB). The complaint must contain a telephone number and address where you can be contacted.

Please refer to the "Notice of Rights and Responsibilities" you received for specific information about EEO complaint process, including your rights when alleging age discrimination, a violation of the Equal Pay Act, or raising a claim that is appealable to the MSPB.

If you have further questions regarding this letter or the EEO complaint process, please contact me at (202) 802-6485.

Sincerely,



EEO Specialist  
Office of Civil Rights  
Federal Emergency Management Agency

Enclosure: Formal Complaint Form

# TAB B-3

FEMA EEO Complaint Email

**ATTACHMENT 5**

**AP SUBMITTED DOCUMENTS**

**From:** [Meindl, Max](#)  
**To:** [Kelley, Janet](#)  
**Cc:** [brent@bwsmithlaw.com](mailto:brent@bwsmithlaw.com)  
**Subject:** FW: Meindl, Max: Request to consider Reassignment - Reasonable Accommodation of Last Resort  
**Date:** Thursday, October 17, 2024 11:02:54 AM  
**Attachments:** [image002.png](#)  
[image005.png](#)  
[image006.png](#)  
[FEMA Informal Intake Form.pdf](#)  
[New EEO Poster 2024.pdf](#)  
[Know Your Rights and Responsibilities FEMA OCR.pdf](#)

---

From EEO, see below...

"Thank you for contacting the EEO Branch via email on 8/22/2024."

Thank you for your assistance.

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Max J Meindl, PMP  
Emergency Management Specialist | PDTFL  
DHS |FEMA | Regional Offices | Region Six | Recovery Division | Public Assistance Branch | Field Ops Team  
Duty Station: ROR | Region 6  
Mobile: 202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)

Federal Emergency Management Agency  
[www.FEMA.gov](http://www.FEMA.gov)



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**From:** FEMA-OCR-EEO <[FEMA-OCR-EEO@fema.dhs.gov](mailto:FEMA-OCR-EEO@fema.dhs.gov)>  
**Sent:** Sunday, September 1, 2024 9:36 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Cc:** FEMA-OCR-EEO <[FEMA-OCR-EEO@fema.dhs.gov](mailto:FEMA-OCR-EEO@fema.dhs.gov)>; Maxwell, Sheri <[ssheri.maxwell@fema.dhs.gov](mailto:ssheri.maxwell@fema.dhs.gov)>; McGonigal, Angela <[angela.mcgonigal@fema.dhs.gov](mailto:angela.mcgonigal@fema.dhs.gov)>; Jamal, Carmen (CTR) <[carmen.jamal@associates.fema.dhs.gov](mailto:carmen.jamal@associates.fema.dhs.gov)>  
**Subject:** Meindl, Max: Request to consider Reassignment - Reasonable Accommodation of Last Resort

Good afternoon,

Thank you for contacting the EEO Branch via email on 8/22/2024. Employees, former employees, and applicants who believe they have been discriminated against or subjected to harassment because of a protected category must consult with and initiate an informal EEO complaint with an EEO counselor. Employees, former employees, and applicants must contact an EEO counselor within

45 calendar days of the matter believed to be discriminatory, or in the case of a personnel action, within 45 calendar days of the effective date of that action.

I have attached some additional information pertaining to the EEO process and other resources available. If you would like to contact the FEMA Office of Civil Rights to file an EEO Complaint, you may do so by phone at 202-212-3535 or by returning the attached intake form via email to [FEMA-OCR-EEO@FEMA.DHS.GOV](mailto:FEMA-OCR-EEO@FEMA.DHS.GOV).

*Respectfully,*

*Tara*

Office of Civil Rights – EEO Branch

Federal Emergency Management Agency  
[www.FEMA.gov](http://www.FEMA.gov)

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**From:** Meindl, Max [max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)  
**Sent:** Thursday, August 22, 2024 10:06 AM  
**To:** FEMA-OCR-EEO <[FEMA-OCR-EEO@fema.dhs.gov](mailto:FEMA-OCR-EEO@fema.dhs.gov)>  
**Cc:** Saucedo, Leslie <[leslie.saucedo@fema.dhs.gov](mailto:leslie.saucedo@fema.dhs.gov)>; Adamcik, Carol Ann <[CarolAnn.Adamcik@fema.dhs.gov](mailto:CarolAnn.Adamcik@fema.dhs.gov)>  
**Subject:** FW: Request to consider Reassignment - Reasonable Accommodation of Last Resort

Copy for visibility/information.

In process.

Thank you for your assistance.

---

Max J Meindl, PMP  
Emergency Management Specialist | PDTFL  
DHS |FEMA | Regional Offices | Region Six | Recovery Division | Public Assistance Branch | Field Ops Team  
Duty Station: ROR | Region 6  
Mobile: 202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)

Federal Emergency Management Agency  
[www.FEMA.gov](http://www.FEMA.gov)



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**From:** Meindl, Max  
**Sent:** Thursday, August 22, 2024 8:45 AM  
**To:** Myers, Anna <anna.myers4@fema.dhs.gov>  
**Cc:** Ortiz, Alejandro <alejandro.ortiz@fema.dhs.gov>; Dyson, Alisa <alisa.dyson@fema.dhs.gov>; Hershey, Jodi <jodi.hershey@fema.dhs.gov>  
**Subject:** RE: Request to consider Reassignment - Reasonable Accommodation of Last Resort

Anna,

I do not believe that I am no longer able to perform the essential functions of the specified position. I am limited in my ability to "physically" deploy, obviously due to health issues.

\*This may impact the preferred way or process that my SOR and second line SOR utilize, so, out of a sense of professionalism, I will defer to their preferred process.

I was blissfully unaware that the position required 50 weeks physical deployment per year. I don't recall that information being provided during the interview.

If you can access the job interview transcript, it is very clear that I was not aware of that requirement.

When told that information by SOR in first conversation, well.. we started discussing how to unwind the situation because I couldn't physically deploy.

The only "interactive process" I had was one formal conversation with SOR and RA personnel. Hence, here we are.

This specific RAR was opened on 01/02/2024 and after contacting leadership, it was moved up to expedited.

This happened after being in the que for 190 days.

So, I do appreciate the absurdity of the note to "reply no later than" sort of stuff after experiencing no response to 5 RAR over the years.

This RAR sits for months and then gets turbocharged in mere days, all to the detriment of my position, or at least that is how I currently feel.

Ignored, abused, dismissed.

Is this really the purpose of the program?

This snip was taken around 02/24/24, so add days as appropriate.

The RA requests, never get adjudicated.

My Service Requests - 4 results found

[Reasonable Accommodation Request - RAR0046767](#)

Requested for: MEINDL, MAX Opened: 53d ago [REDACTED]

[Reasonable Accommodation Request - RAR0042452](#)

Requested for: MEINDL, MAX Opened: 570d ago [REDACTED]

[Reasonable Accommodation Request - RAR0023278](#)

Requested for: MEINDL, MAX Opened: 848d ago [REDACTED]

[Reasonable Accommodation Request - RAR0023261](#)

Requested for: MEINDL, MAX Opened: 849d ago [REDACTED]

**Respondent comments**

1. My understanding, at this time, is that the “essential function” impact identified is “deployment”.
2. I can and do provide the essential functions and elements of the PDTFL position assist, PDTFL duties and responsibilities.
3. The majority of my time with FEMA has been in a virtual status.
4. Primarily due to declining health
5. For the past few years, a proactive SOR and assistive leadership sought out and provided an effective accommodation process that enabled me to enjoy the privileges and benefits of employment.
6. I have been virtually deployed (03/2020-05/2023), 38 months (add 9 months for temporary duty with limited assignments since 12/2023, when I could have been deployed virtually to assist practically anywhere)
7. I have physically deployed (09/2017-06/2018 (+/-) and 05/2023-11/2023. 15 months
8. In office guess (06/2018-03/2020). 21 months
9. I do acknowledge limitations due to various conditions as stipulated in the appropriate documents and these do impact my physical ability to deploy.
10. It does not impact my ability to deploy virtually as I have been doing since 03/2020.
11. There was a short field deployment (05/23-11/23) to 4705DR, which was a problematic with a medical event being tossed into the mix.
12. I was under the assumption we were exploring options for accommodation, maybe short term if appropriate, and Tony and I were developing an accommodation that might work, a discussion to deploy to Houston was had on 05/29/24.
13. When asked by my SOR on 05/29/24 if I could deploy to Houston, I concurred and 9 minutes later he called back and told me he was overruled.
14. In subsequent conversations with my SOR, discussing my being under-utilized and the deployment option to Houston being dismissed I asked why, and the response was that he was told to stand down on this issue.
15. From my perspective, my SOR, at that time and maybe still is, the “deciding official” was working with me, both of us trying to work something out, which we did, and his decision was overruled.
16. Why?

17. I would like to assume it was because of a concern over my health.
18. If so, why not a virtual deployment option?
19. I have spoken with SOR many times about my concerns over being underutilized and how I could do more for the mission.
20. I was deployed, virtually, to 4611DR, (09/2021-05/2023) as a PDTL.



21. I worked virtually from 03/2020-09/2021.
22. One 6-month deployment since 03/2020, which was problematic

Much of the following has not been addressed in the denial.

The denial must clearly state the specific reasons for the denial, which shall include, where applicable:

- Why the requested accommodation would not be effective;
- Why the requested accommodation would result in undue hardship to the Agency;
- Whether medical documentation provided was inadequate to establish that the individual has a disability and/or needs a reasonable accommodation.
- Whether the requested accommodation would require the removal of an essential job function; or
- Whether the requested accommodation would require the lowering of a performance or production standard.

Thank you for your assistance.

---

Max J Meindl, PMP

Emergency Management Specialist | PDTL

DHS |FEMA | Regional Offices | Region Six | Recovery Division | Public Assistance Branch | Field Ops Team

Duty Station: ROR| Region 6

Mobile: 202-374-9426

[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)

Federal Emergency Management Agency  
[www.FEMA.gov](http://www.FEMA.gov)



# FEMA

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**From:** Myers, Anna <[anna.myers4@fema.dhs.gov](mailto:anna.myers4@fema.dhs.gov)>  
**Sent:** Friday, August 16, 2024 10:33 AM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Cc:** Ortiz, Alejandro <[alejandro.ortiz@fema.dhs.gov](mailto:alejandro.ortiz@fema.dhs.gov)>; Dyson, Alisa <[alisa.dyson@fema.dhs.gov](mailto:alisa.dyson@fema.dhs.gov)>; Hershey, Jodi <[jodi.hershey@fema.dhs.gov](mailto:jodi.hershey@fema.dhs.gov)>  
**Subject:** Request to consider Reassignment - Reasonable Accommodation of Last Resort

Good morning, Max,

After the interactive process considering your position description (attached), the essential functions of your position, and your request for an accommodation (to work from home 100%), management has denied your reasonable accommodation request for the reasons indicated in the attached 256-02 form.

If you believe that you are no longer able to perform the essential functions of your position, you may request that the Agency consider reassigning you if there is a funded, open position, consistent with page 19 of the attached FEMA Instruction on Reasonable Accommodation. Please note that all FEMA positions require the ability to deploy and other positions may not be able to facilitate an accommodation that requires 100% work from home without the ability to deploy.

If you would like to go this route, **please respond by COB no later than August 23, 2024.**

Respectfully,  
Anna Myers  
EEO Specialist, Reasonable Accommodation (RA)  
Disability Support Branch | Office of Civil Rights (OCR)  
Federal Emergency Management Agency (FEMA) | U. S. Department of Homeland Security (DHS)  
Phone: (202) 803-1756 | Email: [anna.myers4@fema.dhs.gov](mailto:anna.myers4@fema.dhs.gov)  
[FEMA-OCR-RA@fema.dhs.gov](mailto:FEMA-OCR-RA@fema.dhs.gov) | [FEMA-SLI-CART@fema.dhs.gov](mailto:FEMA-SLI-CART@fema.dhs.gov)



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# **TAB B-4**

## **Notice of Complainant's Rights and Responsibilities**



FEMA

## NOTICE OF COMPLAINANT'S RIGHTS AND RESPONSIBILITIES

1. The time limit for contacting the Federal Emergency Management Agency's (FEMA) Office of Equal Rights (OER) or an Equal Employment Opportunity (EEO) Counselor is 45 days from the alleged discriminatory incident.

Initials

2. Complainant has the right to be informed of the administrative complaint or Alternative Dispute Resolution (ADR) process and the time frames involved in each process.

Initials

3. Complainant has the right to choose between participation in the administrative complaint process or ADR (when offered by the Agency).

Initials

4. Complainant has the right to anonymity in the counseling phase of the complaint process unless waived. The identity of the Complainant *does not* remain confidential in the formal complaint process, or if Complainant elects to use any ADR process.

Initials

5. Complainant has the right to be informed that if s/he agrees to participate in ADR, the pre-complaint processing period may be extended up to ninety (90) days. If the dispute is not resolved within this timeframe, Complainant must be advised of the right to file a formal complaint and the administrative complaint process will continue.

Initials

6. Complainant has the right to representation throughout the complaint process including counseling and ADR. Complainant must provide the name of the representative to OER when a formal complaint has been filed.

Initials

7. Complainant has the right to receive in writing within 30 calendar days of the first counseling contact, (unless the Complainant agrees in writing to an extension), or within 90 calendar days if using ADR, a notice terminating the counseling and informing him/her of the right to file a formal complaint.

Initials

8. In the event Complainant wishes to file a formal complaint, the complaint must be filed within 15 days of receipt of the counselor's *Notice of Right to File a Discrimination Complaint*.

Initials

9. Only matters raised at the counseling stage, or matters like or related to those presented at the counseling stage, may be the subject of a formal complaint. Nothing said or done during attempts to resolve the complaint through ADR can be made the subject of an EEO complaint. Likewise, an Agency decision not to engage in ADR, or not to make ADR available for a particular case, or an agency failure to provide a neutral, cannot be made the subject of an EEO complaint.

Initials

10. Complainant has the right to go to U.S. District Court 180 days after filing a formal complaint or 180 days after filing an appeal.

Initials

11. In an age discrimination complaint, the Complainant has the right to bypass the administrative complaint process and file a civil action directly in U.S. District Court. Complainant must first provide the Equal Employment Opportunity Commission (EEOC) with a written notice, not less than 30 days, of intent to sue under the *Age Discrimination in Employment Act* (ADEA) of 1967. FEMA Labor Agreements provide that allegations of discrimination may be raised in the negotiated grievance procedure. Therefore, bargaining unit employees covered by such agreements are required to elect to process their formal complaint through (1) the EEO administrative process; *or* (2) the negotiated grievance procedure. The allegations may not be addressed under both. Complainant must inform the counselor that s/he is a bargaining unit employee. The counselor will inform Complainant of whether or not the labor agreement covering the unit contains an EEO provision.<sup>1</sup>

Initials

12. Complainant must elect to file a mixed case complaint through the EEO administrative process, or to file a mixed case appeal with the Merit Systems Protection Board (MSPB). The Complainant has 15 days from the date of a counselor's *Notice of Right to File a Discrimination Complaint*, or 30 days after the initial EEO counselor contact, to file a formal mixed case EEO complaint. A Complainant has 30 days from the date of the alleged discriminatory act to file a mixed case appeal with the MSPB. (A mixed case complaint is an employment discrimination complaint filed with a Federal agency based on race, color, religion, sex, national origin, age, handicap, or reprisal relating to, or stemming from, an action that can be appealed to the MSPB.<sup>2</sup>

Initials

13. Complainant has the right to request a hearing before an EEOC Administrative Judge in a non-mixed case after 180 days or after completion of the investigation, whichever comes first.

Initials

14. Complainant has the right to be informed of the identity and address of the EEOC field office to which a request for a hearing must be sent in the event the aggrieved person files a formal complaint and requests a hearing pursuant to 29 C.F.R. 1614.108(g).

Initials

15. Complainant has the duty to mitigate damages, that is, interim earnings or amounts which could be earned by the individual with reasonable diligence, generally must be deducted from an award of back pay.<sup>3</sup>

Initials

16. Complainant has the duty to keep OER informed of his/her current mailing address and to serve copies of appeal papers on the Agency when an appeal is filed directly with EEOC or MSPB.

Initials

17. Individuals who are dissatisfied with the processing of a complaint are to bring this dissatisfaction to the attention of the official responsible for the complaint, whether it be an investigator, the agency EEO manager, an EEOC administrative judge, or the EEOC's Office of Federal Operations on appeal.

Initials

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Complainant (Print)

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Complainant's Signature

---

Counselor

---

Date

---

Date

---

<sup>1</sup> Does not apply to Local Hires, Reservists, and Cadre-On-Call-Response Employees.

<sup>2</sup> Does not apply to LHS, Reservists, and CORE Employees.

<sup>3</sup> Does not apply to LHS and Reservists.

# TAB B-5

## Designation of Representative

**ATTACHMENT 2**

**DESIGNATION OF REPRESENTATION**



**FEMA**

## DESIGNATION OF REPRESENTATIVE

Agency File No. \_\_\_\_\_

Pursuant to Title 29 Code of Federal Regulations (C.F.R.) Section 1614.605(a), at any stage in the processing of a complaint, including the EEO counseling stage under 29 C.F.R. § 1614.105, the complainant shall have the right to be accompanied, represented, and advised by a representative of the complainant's choice. However, in cases where the representation of a complainant would conflict with the official or collateral duties of the representative, the agency may, disqualify the representative. See 29 C.F.R. § 1614.605(c).

Those aggrieved persons/complainants who may later be entitled to reasonable attorney fees cannot receive fees for services, prior to the official notice in writing to the Agency that counsel has been retained.

It is the aggrieved person/complainant's duty to immediately inform the Agency if representation is retained. Failure to notify the Agency can affect any entitlement to fees or costs associated with such representation.

Please complete the information below and provide this form to the Director, Office of Civil Rights, Federal Emergency Management Agency:

I (do ) (do not ) have a representative at this time.

I, Max J Meindl, hereby designate

Complainant

16516 El Camino Real #406

Brent Smith

Street Address

Houston, TX 77062

832.548.0350

Representative Name \_\_\_\_\_, to act in

City, State, Zip \_\_\_\_\_ Telephone \_\_\_\_\_

my name as my representative in all matters pertaining to my complaint filed with the Department of Homeland Security - Federal Emergency Management Agency (FEMA), on

09/18/24

Date \_\_\_\_\_

# TAB B-6

## Alternative Dispute Resolution Consent Form



**FEMA**

**OFFICE OF CIVIL RIGHTS**

**ALTERNATIVE DISPUTE RESOLUTION CONSENT FORM**

Dear Complainant:

Your written consent is required for participation in the voluntary Equal Employment Opportunity (EEO) Alternative Dispute Resolution (ADR) Program. The EEO ADR Program is limited to a 30 calendar day time frame; therefore, you are required to return this consent form to the OCR within five calendar days of receipt, if you wish to participate in this program. You may mail, hand-deliver or fax your response. If your written response is not postmarked, hand-delivered or faxed within the stipulated five-day period, your complaint will continue to be processed in accordance with the regulations at the point which processing ceased.

Yes, I want to participate in the Alternative Dispute Resolution Program.

I hereby consent to participate in the voluntary alternative dispute resolution efforts to be provided by OCR's Alternative Dispute Resolution Program. I have read the ADR Fact Sheet, and signed and enclosed the Agreement to Participate in ADR. I understand that by participating in this program, I am not waiving any rights for further processing of my complaint under 29 C.F.R. 1614; and that I agree to extend pre-complaint processing to 90 days.

No, I do not want to participate in the Alternative Dispute Resolution Program.

I decline the opportunity to participate in OCR's Alternative Dispute Resolution Program and hereby request that my complaint be processed in accordance with 29 C.F.R. 1614. As you have chosen to not participate in the Alternative Dispute Resolution Program, please let us know the reason in the below field.

Complainant (Print)

Complainant's Signature

Date

# TAB C

## **Delineation of the Claims**

# TAB C-1

Acknowledgement of Receipt of Complaint



**FEMA**

December 23, 2024

*Via email to:* [brent@bwsmithlaw.com](mailto:brent@bwsmithlaw.com) & [max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)

**FOR:** Attorney Brent Smith  
16516 El Camino Real #406  
Houston, TX 77062

Re: Complaint of Max J. Meindl v. Alejandro N. Mayorkas  
Secretary, U.S. Department of Homeland Security  
Case No. **HS-FEMA-02430-2024**

Dear Mr. Smith,

The Federal Emergency Management Agency (FEMA) of the U.S. Department of Homeland Security (DHS) has received your formal complaint of employment discrimination dated December 20, 2024, that was received in FEMA OCR on December 20, 2024, via email. FEMA has numbered the formal complaint, **HS-FEMA-02430-2024**. In all future correspondence concerning this formal complaint, please refer to this case number.

Pursuant to Title 29 of the Code of Federal Regulations (C.F.R.) § 1614.106(e), the following information is provided:

1. FEMA's Office of Civil Rights (OCR) is reviewing the formal complaint of discrimination to determine whether it meets the requirements for processing under the provisions of the U.S. Equal Employment Opportunity Commission (EEOC) regulations, at 29 C.F.R. §§ 1614.107(a)(1) - (a)(9). We will advise you in writing of FEMA's decision to accept or dismiss the complaint.
2. If the formal complaint is dismissed, you will have the right to appeal the decision to EEOC's Office of Federal Operations (OFO). A full explanation of your rights in this regard will be provided in the decision that you will receive.
3. If the OCR accepts the formal complaint, the agency is required to conduct an impartial and appropriate investigation within 180 calendar days of the filing of the complaint, unless you agree in writing to extend that 180-day time period. If an investigation is conducted, you will receive a copy of the investigative file at the conclusion of the investigation. You will then be given the following options: (i) to request a hearing before an EEOC Administrative Judge; (ii) to request a final agency decision by DHS

solely based on the investigative file; or (iii) to withdraw the formal complaint.

4. In most cases, the complainant has the right to request a hearing before an EEOC Administrative Judge any time after 180 days from the filing date of the formal complaint, if no final action has been taken. The appropriate EEOC District Office for the hearing request is:

Houston District Office  
Mickey Leland Building  
1919 Smith Street  
6<sup>th</sup> Floor  
Houston, TX 77002

**Phone**                    **800-669-4000**  
**Fax**                    **713-651-4987**

5. You have the right to amend the complaint **at any time prior to the conclusion of the investigation to include issues or claims that are like or related to those raised in the complaint**. If OCR accepts the amendment, FEMA is required to complete its investigation within 180 calendar days after the amendment is filed or 360 calendar days from the filing of the original complaint, whichever is earlier.
6. The EEOC regulation at 29 C.F.R. § 1614.603 states that parties shall make reasonable efforts to voluntarily settle the complaint throughout the process. If your formal complaint is accepted, you may request to participate in FEMA's Alternative Dispute Resolution (ADR). For more information about ADR, or other resolution methods available, please contact the FEMA Office of Civil Rights.
7. **"Mixed Case" complaints are complaints that are appealable to the Merit Systems Protection Board (MSPB). For "Mixed Case" complaints ONLY the following information is provided pursuant to 29 C.F.R. § 1614.302:**
  - a. You have the right to file either a mixed case complaint with the agency or to file a mixed case appeal with the MSPB, but you may not file a mixed case complaint **and** an appeal on the same matter. Whichever is filed first shall be considered an election to proceed in that forum.
  - b. If any portion is accepted, the investigation must be completed, and a final DHS decision issued within 120 calendar days of the date the complaint was filed. You will receive a copy of the investigative file and case file.
  - c. If some, but not all, allegations raised in the complaint are dismissed, you will be provided a written explanation for that action, which can later be reviewed by DHS when it issues a final decision.
  - d. If the complaint is dismissed in its entirety, that action is considered to be a final DHS decision on the complaint and may be appealed to the MSPB (not

- EEOC) within 30 calendar days after receipt of the final decision.
- e. If a final DHS decision is not issued within 120 days of the date of filing of the mixed case complaint, you may appeal the matter to the MSPB at any time thereafter, as specified in Title 5 C.F.R. § 154(b)(2), or you may file a civil action as specified in § 1614.3 IO(g), but may not do both simultaneously. If DHS issues a final decision and you are dissatisfied with it, you may appeal the matter to the MSPB within 30 days of receipt of that decision, you may file a civil action in an appropriate U.S. District Court within 30 calendar days after receiving the final DHS decision if no appeal has been filed with the MSPB.
  - 8. If you file a civil action, you must name the Department head as defendant and provide his or her official title. Failure to name the Department head in his or her official capacity may result in dismissal of your case. In this case, the appropriate agency is the Department of Homeland Security, and its head is Secretary Alejandro N. Mayorkas.
  - 9. If you decide to file a civil action and if you do not have, or cannot afford, the services of an attorney, you may request that the Court appoint an attorney to represent you and that the Court permit you to file the action without payment of fees, costs, or other security. The grant or denial of the request is within the sole discretion of the Court. Filing a request for an attorney does not extend the time in which to file a civil action. Both the request and the civil action must be filed within 30 days of the date you receive the agency or MSPB final decision.
  - 10. Please note that under DHS policy, the agency shall accept a complaint from an aggrieved employee or applicant for employment who believes that he or she has been discriminated against based on parental status. The legal rights and remedies available to persons alleging this basis are narrower and a final decision will be rendered by DHS. Complaints raised under this basis are not within the jurisdiction of the EEOC. Accordingly, there is no right to an EEOC hearing or to an appeal following the issuance of the DHS final agency decision.
  - 11. It is the complainant's responsibility to keep OCR informed of the complainant's current mailing address and telephone number. The complainant is required to notify OCR of any change of address or telephone number as soon as possible. You may write to OCR at the following address:

Federal Emergency Management  
Agency Office of Civil Rights  
500 C Street,  
SW4SW-0915  
Washington, DC 20472-3505

[FEMA-OCR-EEO@FEMA.dhs.gov](mailto:FEMA-OCR-EEO@FEMA.dhs.gov)

Attention: Andrew Peck, Director, ICRB | OCR

For a more complete overview of the complainant's rights and responsibilities, please refer to the *Federal EEO Complaint Processing Procedures* found at the following website:  
<http://www.eeoc.gov>. If you have any questions, please contact me at  
alice.sumpter@fema.dhs.gov.

Sincerely,

ALICE R  
SUMPTER

Digitally signed by ALICE  
R SUMPTER  
Date: 2024.12.23  
13:56:06 -05'00'

Alice Sumpter - Case Manager  
Federal Emergency Management Agency (FEMA)

# TAB C-2

Notice of Acceptance of Complainant of Max Meindl



FEMA

January 8, 2025

Via email to: [brent@bwsmithlaw.com](mailto:brent@bwsmithlaw.com) & [max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)

FOR: Attorney Brent Smith  
116516 El Camino Real #406  
Houston, TX 77062

Re: **Notice of Acceptance** of Complaint of Max J. Meindl (hereinafter referred to as Complainant) v. Alejandro N. Mayorkas, Secretary, U.S. Department of Homeland Security. Complaint Number: **HS-FEMA-02430-2024**

Dear Attorney Smith:

This letter is in regard to the above-referenced formal complaint of discrimination received in FEMA OCR on December 20, 2024, via e-mail. Please include the above-referenced case number on all future correspondence or other documents regarding this complaint.

Following a review of your complaint and the EEO Counselor's report, and in accordance with Title 29 of the Code of Federal Regulations (C.F.R.), Part 1614, **the following allegation is accepted for investigation:**

Whether Complainant, Emergency Management Specialist, of Bellville, TX was discriminated against based on disability (physical) and age (1951) by management when the following incidents occurred:

1. On August 16, 2024, Complainant's Reasonable Accommodation request was denied.
2. On January 6, 2025, Complainant was terminated.

If you believe that the above accepted allegation in the complaint has not been correctly identified, please provide me written clarification within five calendar days after your receipt of this letter, specifying why you believe the allegations have not been correctly identified.

The allegations must be limited to the allegations discussed with the EEO Counselor. If you do not reply within the specified time period, I will consider that you agree with the allegations defined above.

An EEO investigator will be assigned to thoroughly investigate all aspects of the allegations accepted for processing. The investigator has the authority to administer oaths and to require

employees to furnish affidavits under oath or affirmation without a promise of confidentiality or, alternatively, by written statements under penalty of perjury. You have a responsibility to cooperate with the investigator by timely scheduling an appointment, meeting with the investigator, and providing necessary written statements. Failure to do so may result in the dismissal of the complaint for failure to cooperate.

Once the investigator is assigned, they will contact you and inform you of the date when the investigation is expected to begin. At the conclusion of the investigation, you will be notified of your rights and responsibilities regarding further processing of your complaint. You will also be provided with an electronic copy of the Report of Investigation (ROI). If you wish to receive a paper copy of the ROI, you must submit a written request to your case manager at the address or fax number listed below. Any written request for a paper copy of the ROI is also consent to grant the Office of Civil Rights (OCR) an additional ten business days from receipt of the request to produce and postmark the ROI. This extension, however, will not exceed any timelines established by the regulations promulgated by the Equal Employment Opportunity Commission (EEOC).

In the event that the investigation is not completed within 180 days from the date you filed the complaint, you will receive notice of your right to either request a hearing before an EEOC Administrative Judge, or file suit in an appropriate United States District Court, in accordance with 29 C.F.R. § 1614.108(g). The “180-day Notice” will detail your rights and responsibilities should you choose to request a hearing or file a civil suit before the investigation has been completed.

If you no longer wish to pursue your complaint, you may withdraw it at any time by completing and returning the enclosed withdrawal form (enclosure 1).

You also need to be aware that 29 C.F.R. § 1614.603 dictates that parties shall make reasonable efforts to voluntarily settle the complaint throughout the process. Alternative Dispute Resolution (ADR) is a mediation process in which a neutral third party (a mediator) works with you and management to help with a positive discussion of your concerns in an attempt to reach a quick resolution of your issues. The ADR process at FEMA has proven to be an effective way of resolving complaints early. Mediation enables you to have control of the resolution process because you participate fully and directly. When participating in the mediation, you control the discussion, not the mediator. The mediator is there to help facilitate the conversation between you and management to try to improve communication and obtain a resolution. There is no cost to you to participate in ADR. FEMA pays for the costs associated with conducting mediation, such as the mediator fees. However, costs voluntarily incurred by an individual, such as fees for personal representatives, are not covered by FEMA. Participating in ADR is also a way to establish better relations between you and management, to resolve conflict without the need for a lengthy investigation. Remember, participating in the ADR process does not stop the processing of your complaint, unless there is an agreement signed by **ALL** authorized parties. If you are not satisfied with the results of the mediation, you can still have a full investigation of your issues. For information regarding the Federal Emergency Management Agency’s ADR program, or other resolution methods available to you please contact the EEO Case Manager listed below.

Please note that the terms of any resolution/settlement, should one be reached, will be reduced to writing, and you will be provided a copy.

If you have any questions regarding this matter, please contact Alice R. Sumpter, Case Manager, via email at [alice.sumpter@fema.dhs.gov](mailto:alice.sumpter@fema.dhs.gov) or at our office number (202) 856-4444 or via email at: FEMA-OCR-EEO@FEMA.dhs.gov.

Sincerely,

**ALICE R  
SUMPTER**  
*for/* Angela E. McGonigal  
Chief, EEO Branch  
ICRD | Office of Civil Rights (OCR)  
FEMA | U.S. Department of Homeland Security

Digitally signed by ALICE  
R SUMPTER  
Date: 2025.01.08  
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Enclosure:    1. Withdrawal of Complaint Form  
                  2. Notice to Complainant Seeking Compensatory Damages

## WITHDRAWAL

Complainant's Name: **Max J. Meindl**

Case Number: **HS-FEMA-02430-2024**

I do not intend to pursue the above-referenced formal complaint and am withdrawing the formal complaint. I understand that the Office of Civil Rights at the Federal Emergency Management Agency will close my complaint and will have no obligation to further process the complaint. I am forwarding my written withdrawal form to the address or fax number indicated below:

Federal Emergency Management Agency  
Office of Civil Rights (OCR)  
500 C Street SW  
Washington, DC 20472-3505  
by fax at (202) 646-4230

---

Complainant (Signature)

---

Date

---

Complainant's Representative (if applicable)

---

Date

Attn: Alice R. Sumpter

Enclosure 1

## **Notice to EEO Complainant Seeking Compensatory Damages**

### **I. Introduction**

The following information applies if you are, or may be, seeking compensatory damages as part of the relief you are requesting, or if you are entitled to such damages should you prevail in your complaint. Compensatory damages are awarded to repay a complaining party for losses or suffering experienced due to the alleged discriminatory act or conduct. (Currently, the law does not provide for payment of compensatory damages in age discrimination complaints.) In order to allow the Federal Emergency Management Agency (FEMA) to evaluate the merits of your claim, you are required to provide substantiating evidence of pecuniary damages, non-pecuniary damages, or both, as explained below. In addition, the Equal Employment Opportunity Commission (EEOC) requires that FEMA inform you of certain matters relating to your claim for damages.

### **II. Substantiating a claim for damages**

#### **A. Past and Future Pecuniary Compensatory Damages:**

1. Past pecuniary losses are monetary expenses incurred as a result of an employer's unlawful action, including job-hunting expenses, moving expenses, medical expenses, psychiatric expenses, physical therapy expenses, and other quantifiable expenses. If you are claiming such losses, you must provide documentary evidence of these expenses, such as paid bills, canceled checks, or receipts.
2. Future pecuniary losses are monetary expenses that are likely to occur after resolution of a complaint, such as the projected cost of physical and/or psychiatric therapy that extends into the future. If you are claiming such future requirements, statements from appropriate health care professionals are recognized as proper substantiation of such claims.

#### **B. Non-pecuniary Compensatory Damages:** Non-pecuniary compensatory damages are monetary compensation for your intangible injuries experienced as a result of an employer's unlawful discriminatory action. Consistent with the guidance from the EEOC, you are advised as follows in regard to claiming and substantiating non-pecuniary damages:

1. You must submit objective evidence, such as your statement concerning your emotional pain or suffering, inconvenience, mental anguish, loss of enjoyment of life, injury to professional standing, injury to character or reputation, injury to credit standing, loss of health and any other intangible losses that you believe you incurred as a result of the alleged discriminatory conduct.
2. You may submit statements from others, including family members, friends, health care providers, other counselors (including clergy) addressing, for example, your outward manifestations, or physical consequences, of emotional distress.

Such manifestations may include sleeplessness, anxiety, stress, depression, marital strain, humiliation, emotional distress, loss of self-esteem, or excessive fatigue.

3. Objective evidence, in addition to statements from yourself and others, may include documents indicating expenses, if any, for your medical treatment, counseling, and so forth, that are related to the intangible injury allegedly caused by the discrimination you have claimed.

### **III. Information you should know about claims for compensatory damages**

Whether you are claiming pecuniary, non-pecuniary damages or both, please note the following additional requirements:

- A. You must establish a causal connection, or nexus, between the alleged discriminatory action(s) and any resulting physical, emotional or other harm you claim has occurred.
- B. You have the duty to mitigate your damages and may not recover damages for any harm that you could have avoided, or minimized, with reasonable effort.
- C. The EEOC requires that you be advised that your request for compensatory damages may permit FEMA to seek personal and sensitive information from you in order to determine whether the injury you claim is linked solely, partially, or not at all to the alleged discriminatory conduct.

Enclosure 2

# TAB D

Documentation of Attempts at Informal Resolution

# TAB E

## Documentation of Appellate Activity

# TAB F

## Testimony and Documentary Evidence

# TAB F-1

Affidavit of Complainant, Max Meindl

# TAB F-2a

Complainant Rebuttal of Jodi Hunter

## **Rebuttal Affidavit of Complainant**

**I, Max J. Meindl, County of Austin, am a former employee of FEMA.**

- **Agency:** FEMA
- **Washington DC**
- **Office:** PA
- **Division:** Recovery Division
- **Branch:** Infrastructure Branch
- **Location:** Bellville, TX
- **Position:** Direct Charge Core (DCC), Emergency Management Specialist (Recovery)
- **Employment Dates:** November 2023 to January 6, 2025 (for this specific position); 08/2017-01/2025 (entire FEMA employment)

### **Advisement**

I have been advised of my duty to fully cooperate with the investigator assigned to my discrimination complaint. My statement must be truthful, detailed, and specific, including names, dates, places, and circumstances. It, along with my Informal Complaint, Counselor's Summary Report, Formal Complaint, and accepted issues, forms the basis of the investigation. I may submit additional evidence or suggest witnesses, though the investigator decides what to include or pursue. This statement is made under oath, is not confidential per EEOC and DHS regulations, and may be shared with accused parties or agency officials. I am protected from reprisal for participating in this process.

- **Representation:** I have retained Attorney Brent Smith, 116516 El Camino Real #406, Houston, TX 77062, [brent@bwsmithlaw.com](mailto:brent@bwsmithlaw.com).
- **Rights:** I may review and amend this statement before signing and will receive a copy.

I swear/affirm that the following statement is true and complete to the best of my knowledge.

### **Accepted Issues for Investigation**

Whether I, Max J. Meindl, Emergency Management Specialist (Applicant), of Bellville, TX, was discriminated against based on disability (physical, cardiovascular condition) and age (born 1951) by management when:

1. On August 16, 2024, my Reasonable Accommodation request was denied.
2. On January 6, 2025, I was terminated.

## **Rebuttal Statement**

I submit this rebuttal to counter the statements of my former second-line supervisor, Jodi Hunter, in her affidavit dated March 25, 2025, regarding the denial of my Reasonable Accommodation (RA) request (RAR0046767) on August 16, 2024, and my termination on January 6, 2025. Hunter claims I “refused” to deploy (Affidavit, p. 3), a false and pretextual assertion. I assert that FEMA discriminated against me based on my physical disability (COPD, CAD, etc.) and age (74 at termination), violating the ADA (42 U.S.C. §12112), ADEA (29 U.S.C. §623), and Rehabilitation Act (29 U.S.C. §791). Below, I address Hunter’s claims with evidence from my record and chat logs, supported by Table 1 (timeline), Table 2 (key violations), and Table 3 (witnesses/evidence).

### **Response to Jodi Hunter’s Statements**

#### **1. Denial of Reasonable Accommodation (August 16, 2024)**

Hunter asserts she denied my appeal for 100% telework because physical deployment is an “essential function,” claiming I “refused” to deploy (Affidavit, p. 3). This is false and pretextual under the *McDonnell Douglas* prima facie case: I’m disabled, over 40, qualified (via telework), and faced an adverse action.

- **No Refusal, Proven Capability:** I did not “refuse” to deploy; my disabilities limited physical deployment, a fact FEMA knew (Table 1, April 20, 2022; Chat with Cain, 4/20/2022). Table 1 (March 2020-May 2023) shows 38 months of exemplary remote work, approved by Anthony In (Chat with In, 3/19, “keep doing what you can”). On May 29, 2024, I agreed to deploy to Houston when asked by In (Chat with In, 5/23, “I’d like to assist”), but it was overruled in 9 minutes (Table 1). On July 9, 2024, despite storm damage at home (Chat with In, 7/9, “3"-4" limbs down everywhere”), I told In, “If you are able to deploy me, keep it close initially to see how things go here at home, then we can go out further,” and cited the FEMA Administrator’s call: “You Are Needed More Than Ever,” expressing frustration at FEMA’s refusal to deploy me (Chat with In, 7/9, “It is very hard to understand why”). This directly contradicts Hunter’s claim.
- **Pattern of Delays and Denials:** Table 1 documents neglect—e.g., RAR0023261 ignored for 730 days (Jan 6, 2022), RAR0042452 (endorsed by Underhill) disregarded for 886 days (Aug 4, 2022), and RAR0046767 denied after 194 days (Jan 2-Aug 16, 2024). Brasher admitted RA requests were “very far behind” (Chat with Brasher, 7/10), violating FEMA’s 45-day standard (Directive 256-022-01) and the ADA’s timely process mandate (42 U.S.C. §12112(b)(5)(A); EEOC v. Supervalu Inc., 670 F.3d 759).

- **Discrimination Evidence:** FEMA’s “deployment duties” excuse (Myers Email, Aug 16, 2024) is pretextual, as my telework success (Chat with In, 6/18, “would be great to have some work”) and repeated offers to deploy disprove refusal. Table 1 (July 10, 2024) notes Brasher’s delay admission, suggesting bias against my age and disability versus younger, non-disabled peers (Initial Submission, p. 11; Smith v. City of Jackson, 544 U.S. 228).

## 2. Termination (January 6, 2025)

Hunter claims my termination for “medical inability” was legitimate, citing my COE (10/31/2023) and implying refusal (Affidavit, p. 4). This masks retaliation.

- **Pretextual Reasoning:** I never “refused” deployment; my health precluded it, and I sought to assist despite challenges (Chat with In, 7/9, “if I can assist closeout, I’m all in”). Termination followed six months after escalating RAR0046767 (Aug 22, 2024) and 17 days after my EEO complaint (Dec 20, 2024; Table 1), violating ADA anti-retaliation provisions (42 U.S.C. §12203(a); Clark County v. Breeden, 532 U.S. 268).
- **Retaliatory Pattern:** Table 1 shows FEMA closing my 2018 complaint without investigation (Sept 21, 2018) and rejecting reassignment (Oct 30, 2024). My 4+ years of telework success and offers to deploy (Chat with In, 7/9, “keep it close initially”) refute “inability.”
- **Discrimination Evidence:** Termination after strong performance meets *McDonnell Douglas* criteria, with timing and pretext pointing to disability and age bias, despite my efforts to contribute (Chat with Brasher, 2/23, “senior citizen’s experience”).

### Pattern of Mistreatment and Legal Violations

The timeline below integrates chat evidence to illustrate FEMA’s discriminatory pattern:

**Table 1: Timeline of Key Events and Violations**

Date	Description	Evidence/Outcome
Sept 21, 2018	Filed complaint HS-FEMA-01876 for disability issues	Closed without investigation (Oct 15, 2018)
March 2020-May 2023	Exemplary remote work (38 months)	Performance reviews; In approved (Chat, 3/19)
April 20, 2022	Heart attack; notified Cain	Chat with Cain, “had a heart attack on Sunday”
Jan 6, 2022	RA request RAR0023261 for cardiovascular needs	Ignored 730 days; no response

<b>Aug 4, 2022</b>	RA request RAR0042452 endorsed by Underhill	Ignored 886 days; Underhill Email (Aug 15, 2022)
<b>Feb 23, 2023</b>	Told Brasher RA requests “never get adjudicated”	Chat with Brasher, “senior citizen’s experience”
<b>Jan 2, 2024</b>	RA request RAR0046767 for permanent telework	Denied after 194 days (Aug 16, 2024)
<b>May 23-29, 2024</b>	In asked about Houston; I agreed, overruled (9 min)	Chat with In, “I’d like to assist”; Table 1
<b>July 9, 2024</b>	Offered to deploy “close initially”; cited FEMA need	Chat with In, “You Are Needed More Than Ever”
<b>July 10, 2024</b>	Brasher: RA “very far behind”; HIPAA violation	Chat with Brasher; Clemons Email (ID #2024-MED-331)
<b>Aug 16, 2024</b>	RAR0046767 denied, citing “deployment duties”	Myers Email; Hunter Affidavit, p. 3
<b>Dec 20, 2024</b>	Filed formal EEO complaint	EEO Counselor’s Report
<b>Jan 6, 2025</b>	Terminated for “medical inability”	Termination Notice

**Table 2: Key Violations**

Violation	Details	Legal Basis
<b>ADA – No Interactive Process</b>	Delays up to 886 days (Aug 4, 2022); Brasher admits backlog (Chat, 7/10)	42 U.S.C. §12112(b)(5)(A); Barnett v. U.S. Air, 535 U.S. 391
<b>HIPAA Breach</b>	Unencrypted medical records (July 10, 2024; Chat with Brasher)	45 C.F.R. §164.312
<b>Retaliation</b>	Termination 17 days post-EEO complaint (Dec 20, 2024-Jan 6, 2025)	42 U.S.C. §12203(a); Clark County v. Breeden, 532 U.S. 268
<b>Age Bias</b>	Scrutiny at 74 despite success; “senior citizen” issues ignored (Chat, 2/23)	29 U.S.C. §623; Babb v. Wilkie, 140 S. Ct. 1168

**Table 3: Witnesses and Evidence**

Witness/Evidence	Role/Details	Contact/Relevance
<b>Jodi Hunter</b>	Denied appeal (Aug 16, 2024; Hunter Affidavit, p. 3)	Direct knowledge of denial decision
<b>Mark Underhill</b>	Endorsed RAR0042452 (Aug 15, 2022)	Evidence of ignored support
<b>Traci Brasher</b>	Admitted RA delays (Chat, 7/10, “very far behind”)	<a href="mailto:traci.brasher@fema.dhs.gov">traci.brasher@fema.dhs.gov</a> ; systemic issues
<b>Richard Cain</b>	Notified of heart attack (Chat, 4/20/2022)	Confirms FEMA’s awareness of disability
<b>Anthony In</b>	Approved telework; asked about deployment (Chat, 5/23, 7/9)	Shows willingness, not refusal

<b>Shelia Clemons</b>	Assigned RA, sent unencrypted records (Chat, 7/10; Table 1)	HIPAA violation evidence
<b>Performance Reviews</b>	Exemplary telework (2020-2023)	Proves capability despite disability
<b>Chat Logs</b>	Brasher (2/23, 7/10), In (5/23, 7/9, "You Are Needed"), Cain (4/20)	Willingness, delays, health awareness
<b>Termination Notice</b>	Jan 6, 2025, cites "medical inability"	Evidence of pretextual termination

### Conclusion

Hunter's claim that I "refused" to deploy is false; I repeatedly offered to assist (Chats with In, 5/23, 7/9, "You Are Needed More Than Ever") despite my disability, which FEMA knew (Chat with Cain, 4/20/2022). Tables 1-3 show telework success, RA delays, and retaliatory termination, violating federal law and reflecting discrimination based on my disability and age. I request a full investigation to secure my remedies (Initial Submission, p. 16).

### Signed:

/s/ MAX J MEINDL

Max J. Meindl

Date: March 25, 2025

### Witness/Investigator:

[INVESTIGATOR/WITNESS] *LaKisha Wilson* 3.28.2025

[DATE]

# TAB F-2b

Meindl Submission Office of Equal Rights

Submission to Office of Equal Rights EEO Investigator  
Re: Complaint Number HS-FEMA-02430-2024  
Submitted by: Max J. Meindl  
Date: March 5, 2025  
Contact: Bellville, TX [Contact Information Redacted per Guidelines]

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## Executive Summary

For over seven years, the Federal Emergency Management Agency (FEMA) has systematically failed to meet its legal and administrative obligations to me, Max J. Meindl, a 74-year-old Emergency Management Specialist (GS-12) with documented disabilities, including Chronic Obstructive Pulmonary Disease (COPD), coronary artery disease (CAD), hypertension, angina, arthritis, and two surgically treated heart attacks. On January 6, 2025, FEMA terminated my employment, alleging a "medical inability to perform essential functions," despite my exemplary 38-month remote work record (March 2020–May 2023). This termination, executed by Supervisory Emergency Management Specialist Anthony T. In under Acting Regional Administrator Traci Brasher, occurred within six months of escalating my Reasonable Accommodation (RA) request RAR0046767 (July 2024), suggesting retaliation as defined in *Clark County v. Breeden* (532 U.S. 268, 2001).

This submission details FEMA's systemic violations, including:

- Protracted Delays: RA requests unresolved for up to 1,215 days, exceeding FEMA Directive 256-022-01's 45-day standard.
- HIPAA Noncompliance: Unsecured medical record transmission on July 10, 2024 (45 C.F.R. §164.312).

- Neglect of Interactive Process: Ignoring supervisory endorsement from Mark Underhill (August 15, 2022), violating ADA Title I (42 U.S.C. §12112(b)(5)(A)).
  - Retaliatory Conduct: Termination following protected RA activities (Rehabilitation Act §501, 29 U.S.C. §791).
  - Age Discrimination: Excessive scrutiny despite strong performance, violating ADEA (29 U.S.C. §623).
  - FMLA Misapplication: Incorrect denial of intermittent leave (29 C.F.R. §825.202).
  - Supervisory Failures: Brasher and In neglected corrective action despite known issues (FEMA Directive 123-0-2-1).
- 

## Chronology of Pertinent Events

### Detailed Timeline

The following timeline integrates personal records, correspondence, and the EEO Counselor's Report:

Date	Description	Evidence/Outcome
Sept 21, 2018	Filed harassment complaint HS-FEMA-01876 for disability-related mistreatment.	Closed without investigation (Oct 15, 2018).
Nov 26, 2018	Submitted RA request RAR001234 for episodic telework.	Denied by Jamie McAllister (Dec 10, 2018), no interactive process.
June 26, 2019	Supervisor Dennis Alexander denied FMLA intermittent leave, misstating eligibility.	Email, June 26, 2019.
March 4, 2020	Voiced retaliation concerns to HR: "I don't want to seem like a scare monger or get on leadership's bad boy list."	Email to HR.
March 2020–May 2023	Performed exemplary remote work.	Performance reviews; personal notes.

Sept 21, 2021	Filed RA request RAR0017691 for disability-based COVID-19 vaccine exemption.	Misclassified as religious, delayed 87 days (Dec 17, 2021).
Oct 28, 2021	Submitted RA requests RAR0023025 (telework for cardiovascular issues) and RAR0023278 (religious exemption).	Unresolved for 1,195 days; no response.
Jan 6, 2022	Filed RA request RAR0023261 for cardiovascular needs.	Ignored for 730 days; no response.
April 20, 2022	Suffered heart attack; informed Supervisor Richard Cain: "Will be off this week... healing and recovery."	Email, April 20, 2022.
Aug 4, 2022	Submitted RA request RAR0042452 for permanent telework; endorsed by Mark Underhill.	RA Form; Underhill Email, Aug 15, 2022 (ignored by FEMA).
Jan 2, 2024	Filed RA request RAR0046767 for permanent telework.	RA Form.
May 29, 2024	Discussed deployment with Anthony T. In; Houston proposal overruled within nine minutes.	Personal notes; Email to FEMA-OCR-EEO, Aug 22, 2024.
July 10, 2024	Traci Brasher admitted RA delays: "They are very far behind on RA requests!"; Shelia Clemons sent unencrypted medical records.	Teams Log; Clemons Email, ID #2024-MED-331.
Aug 16, 2024	EEO Specialist Anna Myers denied RAR0046767, citing "deployment duties."	Email from Myers.
Sept 3, 2024	Contacted EEO counselor; interviewed Sept 18, 2024.	EEO Counselor's Report.
Oct 17, 2024	Retained attorney Brent Smith; mediation attempted Oct 15–Dec 4, 2024 (failed due to FEMA resistance).	Personal records.
Dec 20, 2024	Filed formal EEO complaint.	EEO Counselor's Report.
Jan 6, 2025	Terminated for "medical inability."	Termination Notice.

Table 1: Reasonable Accommodation Requests and Initial Violations

RA Number	Request Date	Type	Status (Jan 6, 2025)	Days Open	Violations	Evidence
RAR001234	Nov 26, 2018	Episodic telework	Denied	N/A	No interactive process	McAllister Denial, Dec 10, 2018
RAR0017691	Sept 21, 2021	Vaccine exemption	Closed	1,215	Misclassification, 87-day delay	RA Form; Response, Dec 17, 2021

RAR0023025	Oct 28, 2021	Telework (cardiovascular)	Closed	1,195	No follow-up, denied despite success	Denial, Jan 15, 2022
RAR0023278	Oct 28, 2021	Religious exemption	Closed	1,195	No follow-up	RA Form; No Response
RAR0023261	Jan 6, 2022	Cardiovascular needs	Unresolved	730	Ignored, exceeds 45-day standard	RA Form; No Response
RAR0042452	Aug 4, 2022	Permanent telework	Open	886	Disregarded supervisory endorsement	RA Form; Underhill Email, Aug 15, 2022
RAR0046767	Jan 2, 2024	Permanent telework	Denied	369	194-day delay, breach of privacy	RA Form; Myers Email, Aug 16, 2024; Clemons Email

Table 2: Supervisory Actions and Omissions

Supervisor	Date	Action/Inaction	Violation	Evidence
Jamie McAllister	Dec 10, 2018	Denied RAR001234 without process	No interactive process	Denial Letter
Dennis Alexander	June 26, 2019	Misapplied FMLA	FMLA violation	Email, June 26, 2019
Mark Underhill	Aug 15, 2022	Endorsed RAR0042452; FEMA ignored	Interactive process failure	Email, Aug 15, 2022
Traci Brasher	July 10, 2024	Acknowledged RA delays, took no action	Supervisory negligence	Teams Chat
Anthony T. In	May 29, 2024	Proposed Houston deployment, overruled in 9 min	Supervisory inaction	Email to FEMA-OCR-EEO, Aug 22
Shelia Clemons	July 10, 2024	Transmitted unencrypted records	HIPAA violation	Email, ID #2024-MED-331
Anna Myers	Aug 16, 2024	Denied RAR0046767, cited deployment duties	Retaliation, process failure	Email from Myers

## Legal and Administrative Transgressions

Transgression	Violation	Evidence	Legal Basis
1. Protracted Processing Delays	RA requests unresolved up to 1,215 days, exceeding FEMA's 45-day standard (Directive 256-022-01).	Table 1; FY 2020 AAP (47-day average).	EEOC v. Supervalu Inc., 670 F.3d 759
2. HIPAA Compliance Failures	Unencrypted medical records sent July 10, 2024.	Clemons Email, ID #2024-MED-331.	HIPAA Security Rule (45 C.F.R. §164.312)
3. Neglect of Interactive Process	Ignored Underhill's endorsement of RAR0042452.	Underhill Email, Aug 15, 2022.	ADA Title I (42 U.S.C. §12112(b)(5)(A)); Barnett v. U.S. Air, 535 U.S. 391
4. Retaliatory Termination	Termination six months after escalating RAR0046767.	Termination Notice; Email, Aug 22, 2024.	Rehabilitation Act §501 (29 U.S.C. §791); Clark County v. Breeden, 532 U.S. 268
5. Age-Based Discrimination	Excessive scrutiny at age 74 despite strong performance.	Performance Review, March 15, 2020.	ADEA (29 U.S.C. §623); Babb v. Wilkie, 140 S. Ct. 1168
6. FMLA Misapplication	Denied intermittent leave in 2019.	Email, June 26, 2019.	29 C.F.R. §825.202
7. Supervisory Negligence	Brasher and In failed to address known delays.	Teams Chats, July 8–10, 2024.	FEMA Directive 123-0-2-1 (§D.2.k)

## Significant Communications

Date	Communication Details	Significance
March 4, 2020	Email to HR: "I don't want to seem like a scare monger..."	Early retaliation concerns.
July 9, 2024	Teams (In): "Talked to Region, waiting for guidance"	Acknowledged issues, no action taken.
July 10, 2024	Teams (Brasher): "They are very far behind on RA requests!"	Admission of systemic RA delays.

Aug 16, 2024	Email (Myers): "Management has denied... citing deployment duties"	Denial despite remote success, hints at retaliation.
Aug 22, 2024	Email to FEMA-OCR-EEO: "Ignored, abused, dismissed"	Captures FEMA's neglect and claimant's distress.

Complaint Number HS-FEMA-02430-202, Submitted by: Max Meindl

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# TAB E

## Documentation of Appellate Activity

# TAB F

## Testimony and Documentary Evidence

# TAB F-1

Affidavit of Complainant, Max Meindl

**Affidavit of Complainant MAX J MEINDL**

I, MAX J MEINDL, County of AUSTIN, am a former employee of the U.S. Department of Homeland Security (FEMA).

**DHS/FEMA**

**Denton County – Remote Placement**

**Recovery/Public Assistance**

**Located in Bellville, Texas (Remote)**

In the capacity of EMERGENCY MANAGEMENT SPECIALIST, PDTFL, 089/GS12 between 11/2024 and 01/06/2025

My telephone number during working hours is 832-293-3671

**I HAVE BEEN ADVISED OF THE FOLLOWING:**

I have an obligation to cooperate fully with the investigator, who has been assigned to conduct a thorough and impartial investigation of my complaint of discrimination. Therefore, I must provide a statement for the investigative record which is true and complete to the best of my knowledge and belief and which fully addresses the issues accepted for investigation. My statement must be specific with regard to names, dates, places, circumstances, and related events, and disclose my firsthand knowledge of any information which is directly related to the issue(s). My statement, along with my Informal Complaint, Counselor's Summary Report, my Formal Complaint and the description of the issues for investigation shall serve as the basis for the investigation. While I may voluntarily submit any additional documents or information to the investigator for consideration, it will be the investigator's responsibility to determine what evidence shall actually become part of the investigative report. If there are any documents or facts which substantiate my

Initials 2

allegations, I must provide them to the investigator or make them known to the investigator. I may suggest witnesses to be interviewed by the investigator. However, the investigator will decide which witnesses to interview based on relevant information he or she feels will be furnished.

I am aware of and my understanding of the protections under Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act (ADEA), and the Rehabilitation Act of 1973, which are pertinent to my claims.

My statement is made under oath (or affirmation) without a pledge of confidentiality; in accordance with the rules, regulations, policies and procedures of the Equal Employment Opportunity Commission and the Department of Agriculture. This means that any employee(s) whom I accuse of discrimination or other acts of impropriety may be shown relevant portions of this statement and be given an opportunity to respond. Agency officials responsible for processing complaints of discrimination will have access to the entire investigative report. If discrimination is found, any employee accused of discrimination will have an opportunity to review the report in its entirety without deletions. Participants in the discrimination complaint process are specifically protected by law and the EEO regulations from any acts of reprisal, discrimination, coercion, harassment, restraint, or interference for their participation in the investigation and other phases of complaint processing.

I have the right to be represented by a person of my choice during presentation of complaint and preparation of my statement (so long as my choice does not result in a conflict of interest). I have chosen a personal representative at this stage of my complaint. In the event I have not chosen a representative but obtain a representative at a later date, I will advise the investigator and the Director of Civil Rights in writing.

I have the right to review my statement prior to signing it and may make initial corrections if it is incomplete or inaccurate. I have a right to receive a copy of the signed statement. Having reviewed the preceding information with the investigator, I solemnly swear [ ] affirm [ ] that the statement that follows is true and complete to the best of my knowledge and belief and fully addresses the issues and allegations raised by me in my EEO complaint.

Initials Z

**I. Questions for Complainant:**

**1) What is your name, position, title, series, and grade?**

a) Max J Meindl, PDTFL, Emergency Management Specialist, 089, GS12

**2) Are you currently employed by FEMA?**

a) No

**3) How long have you been or were you employed with FEMA?**

a) 08/2017 – 01/2025

**4) Please state your home address.**

a) 5 E. Austin St., Bellville, TX 77418

**5) Who is your first line and second line supervisor? Please provide title and contact information.**

a) First line: Anthony In; [Anthony.in@fema.dhs.gov](mailto:Anthony.in@fema.dhs.gov).

b) Second line Jodi Hunter

**6) How long have you been under their supervision?**

a) +/- 1 yr.

**7) Are you aware of the Agency's policy on discrimination and harassment?**

a) yes

**8) When did you most complete No Fear Act Training**

a) 2024, I don't have any access to my training records

**9) What is your age?**

a) I am 73 years old, born in 1951, which is relevant to my claims of age discrimination under the ADEA.

**10) Was management aware of your age?**

Initials Z

a) Yes, management was fully aware of my age.

11) How was management aware of your age?

a) My age was disclosed through my employment application, HR records, and during age-related training sessions.

12) Was management aware of your physical disability?

a) Yes, they were aware.

13) How was management aware of physical disability?

a) I disclosed my disability when requesting reasonable accommodations and during a medical leave application process, both of which are documented in HR files.

14)

Do you believe that you were treated differently than similarly situated individuals?

a) Yes I was treated differently based on my age, physical disability, and race. Younger employees received more opportunities for professional development; non-disabled employees were not required to justify accommodations as rigorously; and employees of other races were given more prominent roles and projects.

15)

If so, please explain? List their (basis)

a) I was isolated, marginalized and very little work was assigned.

16)

State exactly, how you were discriminated based on age (1951), and physical disability.

a) My reasonable accommodation requests was/were ignored, this specific RA for more than 190 days. When I finally pressed the issue to be resolved with higher authorities I was terminated., Age: I was bypassed for promotions and training opportunities that were given to younger colleagues. Physical Disability: My requests for reasonable accommodations were consistently delayed or denied, unlike those of non-disabled peers.

b) RA (Reasonable Accommodation) requests were ignored for years (see image), and this

Initials Z

directly relates to my disability under the Rehabilitation Act. My request(s) for accommodation was ignored for over 190 days and more, violating Section 501 of the Rehabilitation Act which mandates timely reasonable accommodations for qualified individuals with disabilities.

My Service Requests - 4 results found

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[Reasonable Accommodation Request - RAR0046767](#)  
Requested for: MEINDL, MAX Opened: 53d ago

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[Reasonable Accommodation Request - RAR0042452](#)  
Requested for: MEINDL, MAX Opened: 570d ago

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[Reasonable Accommodation Request - RAR0023278](#)  
Requested for: MEINDL, MAX Opened: 848d ago

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[Reasonable Accommodation Request - RAR0023261](#)  
Requested for: MEINDL, MAX Opened: 849d ago

a.

b. This snip was taken around 02/24/24, so add days as appropriate;

17) Why do you contend that you were treated differently because of your age (1951) and physical disability?

- a) There's a pattern where older employees like myself were not considered for advancement, and my disability accommodations were treated with skepticism, unlike others.
- b) My disability was ignored when it came to accommodating workplace adjustments, suggesting an intersectional discrimination under both ADEA and the Rehabilitation Act.

18) Do you have any witnesses to support your contentions in this matter? Identify by name, title, email, and nature of information to be provided.

- a) Traci Brasher traci.brasher@fema.dhs.gov

19) Did you notify that discrimination was unwelcome when you were subjected to discrimination based on age (1951), and physical disability? If so, who?

Initials 2

a) This was brought up through informal ADR.

**20) What actions were taken?**

a) No substantive actions were taken; I was advised to be patient or told that available accommodations were already provided.

**21) What are the essential functions of your position?**

**22) Program Delivery Task Force Leaders (PD TFLs)** have an integral role in the successful implementation of the PA delivery model. The PD TFL serves as a conduit between the Public Assistance Group Supervisor (PAGS) and the Program Delivery Managers (PDMGs), communicating the Joint Field Office (JFO) operational priorities to the PDMGs. The PD TFL keeps the PAGS informed on the day-to-day activities and accomplishments of PDMGs. The PD TFL ensures the workload of PDMGs is balanced, allowing the PDMGs to focus on providing excellent customer service to applicants. The PD TFL manages and mentors PDMGs throughout the PA grant delivery process. PD TFLs ensure they set the conditions to ensure the success of their PDMGs.

**23) What are you seeking in resolution to this EEO complaint?**

- a) Full medical/disability in the amount of: six thousand five hundred dollars (\$6,500.00) per month, net, and full family health benefits paid for by the employer for the discrimination I've faced, which has led to significant health and financial impact.
- b) compensatory and punitive damages for emotional distress, and
  - a. policy changes to prevent future discrimination

Initials 

**Whether Complainant, Emergency Management Specialist, (Applicant), of Bellville, TX was discriminated against based on disability (physical) and age (1951) by management when the following incidents occurred:**

- c. 1. On August 16, 2024, Complainant's Reasonable Accommodation request was denied.  
24. Specifically who denied your RA request? What reason was given for the denial? What did you request? Please explain. Did you inform anyone in management that you were offended by this? If so, what response did you receive.
  - a. Anthony In
  - b. The first denial was 08/05/24 and stipulated
    - i. *"Mr. Max Meindl's reasonable accommodation to seek 100% telework cannot be granted. It is understood that Mr. Meindl's indication that he could deploy is close to his home; however, I cannot consider that in a decision to grant the request. The option presented by Mr. Meindl is not a viable solution as I cannot grant him the ability to limit his deployment location. Given that Mr. Meindl would need to be sent wherever the disaster is located and his inabilities to do would limit my ability, therefore, I must deny his request."*
  - c. The second denial, Jodie Hunter, dated 08/15/2024, stipulated:
    - i. *"After careful consideration, Mr. Max Meindl's request to telework 100% of the time is denied. The approval to allow Mr. Meindl to telework 100% of the time would require that the Agency remove the essential function of deployment from his duties and responsibilities. Mr. Meindl signed his onboarding, acknowledging that his position required that he deploy. While I understand that Mr. Meindl has a disability; however, his acknowledgment that he cannot leave his house to deploy under any circumstances contributes to my decision. Finally, his branch (Infrastructure Branch, Recovery Division) supports disaster deployments on an almost daily basis. His temporary accommodation cannot continue as assignments of duties are totally unrelated to his current position of record and cannot be continued."*
  - d. Sent to EEO Specialist, Reasonable Accommodation (RA), Disability Support Branch | Office of Civil Rights (OCR) on 08/22/24;

Initials 2

- i. I do not believe that I am no longer able to perform the essential functions of the specified position. I am limited in my ability to "physically" deploy, obviously due to health issues. \*This may impact the preferred way or process that my SOR and second line SOR utilize, so, out of a sense of professionalism, I will defer to their preferred process. I was blissfully unaware that the position required 50 weeks physical deployment per year. I don't recall that information being provided during the interview. If access the job interview transcript is granted, it is very clear that I was not aware of that requirement. When told that information by SOR in first conversation, well. we started discussing how to unwind the situation because I couldn't physically deploy. The only "interactive process" I had was one formal conversation with SOR and RA personnel. This specific RAR was opened on 01/02/2024 and after contacting leadership, it was moved up to expedited. This happened after being in the queue for 190 days. The note to "reply no later than" on their communication, after experiencing no response to 5 RAR over the years was unacceptable and extremely frustrating. This RAR sat for months and then gets turbocharged in mere days, all to the detriment of my position, at least from my perspective. Ignored, abused, dismissed.
- My understanding, at this time, is that the "essential function" impact identified is "deployment". I can and do provide the essential functions and elements of the PDTFL position assist, PDTFL duties and responsibilities. The majority of my time with FEMA has been in a virtual status. Primarily due to declining health. For the past few years, a proactive SOR and assistive leadership sought out and provided an effective accommodation process that enabled me to enjoy the privileges and benefits of employment. I have been virtually deployed (03/2020-05/2023), 38 months (add 9 months for temporary duty with limited assignments since 12/2023, when I could have been deployed virtually to assist practically anywhere). I have physically deployed (09/2017-06/2018 (+/-) and 05/2023-11/2023. 15 months. In office approximation (06/2018-03/2020), 21 months.

I do acknowledge limitations due to various conditions as stipulated in the

Initials



appropriate documents and these do impact my physical ability to deploy. It does not impact my ability to deploy virtually as I have been doing since 03/2020. There was a short field deployment (05/23-11/23) to 4705DR, which was problematic with a medical event being tossed into the mix. I was under the assumption we were exploring options for accommodation, maybe short term if appropriate, and Tony and I were developing an accommodation that might work, a discussion to deploy to Houston was had on 05/29/24. When asked by my SOR on 05/29/24 if I could deploy to Houston, I concurred and 9 minutes later he called back and told me he was overruled. In subsequent conversations with my SOR, discussing my being under-utilized and the deployment option to Houston being dismissed I asked why, and the response was that he was told to stand down on this issue. From my perspective, my SOR, at that time and maybe still is, the "deciding official" was working with me, both of us trying to work something out, which we did, and his decision was overruled. It is unclear to me why it was overruled. I would like to assume it was because of a concern over my health. If so, why not a virtual deployment option? I have spoken with SOR many times about my concerns over being underutilized and how I could do more for the mission. I was deployed, virtually, to 4611DR, (09/2021-05/2023) as a PDTFL.

25. How were you harmed?

- a. Physically, I experienced increased mental discomfort; professionally, I was sidelined, which affected my career progression and self-esteem.
- b. Much of the following has not been addressed in the denial.
- c. "The denial must clearly state the specific reasons for the denial, which shall include, where applicable:
  - i. Why would the requested accommodation not be effective;
  - ii. Why the accommodation requested would result in undue hardship to the Agency;
  - iii. Whether medical documentation provided was inadequate to establish that the individual has a disability and/or needs reasonable accommodation.

Initials



- iv. Whether the requested accommodation would require the removal of an essential function
- v. Whether the requested accommodation would require the lowering of a performance or production standard

26. How did this affect your work environment?

- a. It created an atmosphere where I felt undervalued, leading to stress and reduced productivity because of no work being assigned.

27. Were you aware of similarly situated employees who were not denied their RA request. Please explain. Name employee and annotate by age and physical disability.

- a. NA

28. Why do you contend that you were treated differently because of age?

- a. I was isolated and marginalized, with very little work assigned.
- b. The lack of opportunities for professional growth and the comments made about my retirement suggest age discrimination.
- c. I was treated differently due to my age in regards to professional growth opportunities, and there was no meritable support in finding an alternative position of employment within FEMA,
- d. The isolation and lack of work assignments indicate discrimination based on these protected characteristics.

29. Why do you contend that you were treated differently because of physical disability?

- a. The denial of accommodations and the dismissive attitude towards my needs indicate discrimination based on disability.
- b. I was isolated and marginalized, with very little work assigned.
- c. There was no discussion on alternative accommodations.
- d. The isolation and lack of work assignments indicate discrimination based on these protected characteristics

30. Do you have any witnesses to support your contentions in this matter? Identify by name, title, email and nature of information to be provided.

- a. Mark Underhill; former supervisor, PDTFL, [markbunderhill@yahoo.com](mailto:markbunderhill@yahoo.com)
  - i. Situational awareness of institutional pattern of behavior
- b. Darla Dickerson; former supervisor, PDTFL, [Darla.Dickerson@fema.dhs.gov](mailto:Darla.Dickerson@fema.dhs.gov)

Initials \_\_\_\_\_



- i. Situational awareness of institutional pattern of behavior
- c. Russel Towndrow; co-worker, Public Assistance Group Supervisor, Training and Development Branch, Section Public Assistance Division, Office: (619)954-9446, Mobile: (202) 531-0640, Russell.Towndrow@FEMA.DHS.GOV
  - i. Situational awareness of institutional pattern of behavior
- d.

**31.** Is there anyone else that you think we should speak with that may have direct knowledge of this issue?

- a. yes

**32.** If so, who and what information might they have? Please provide contact information.

- a. Traci Brasher      traci.brasher@fema.dhs.gov

**33.** Is there anything else that you care to add?

- a. no

**Whether Complainant, Emergency Management Specialist, (Applicant), of Bellville, TX was discriminated against based on disability (physical) and age (1951) by management when the following incidents occurred:**

**III. 2. On January 6, 2025, Complainant was terminated**

**34. Specifically, who terminated you?**

- a. Anthony In

**35. Please name all of those involved in the termination.**

- a. Unknown, but individuals involved include, Anthony in, Jodie Hunter, Don Simko, unnamed counsel to institution.

**36. Why were you issued a Notice of Termination of Appointment?**

- a. Documents stated they could not provide reasonable accommodation anywhere within the agency that would allow me to continue working with FEMA.

**37. Do you agree with the reasons given for terminating your employment? Please explain**

Initials

- a. The policy cited for my termination does not align with the legal requirement under the Rehabilitation Act to provide accommodations on an individual basis.
- b. My performance evaluations met or exceeded expectations; the sudden change seems retaliatory.
- c. In the informal communication with FEMA before this filing, I was told by their legal counsel that they had a policy that would not allow for remote work. This did not address the need for remote work to be an accommodation, as it should be made on an individual basis and not a blanket policy.
- d. This also did not address my clear ability to complete my job while working fully remote for the previous four years.
- e. The Supreme Court's decision in *Smith v. City of Jackson*, 544 U.S. 228 (2005), supports the notion that policies can be discriminatory under the ADEA based on their impact, even without intent.

**38.** Who notified you of your termination?

- a. Anthony In

**39.** Was this notification done verbally or in writing?

- a. Via email with attachment

**40.** Had you been given prior notice to being terminated?

- a. no

**41.** If so, when were you initial notified?

- a. 01/06/2025

**42.** What were the requirements of your position?

- a. Program Delivery Task Force Leaders (PD TFLs) have an integral role in the successful implementation of the PA delivery model. The PD TFL serves as a conduit between Public Assistance Group Supervisor (PAGS) and the Program

Initials 

Delivery Managers (PDMGs), communicating the Joint Field Office (JFO) operational priorities to the PDMGs. The PD TFL keeps the PAGS informed on the day-to-day activities and accomplishments of PDMGs. The PD TFL ensures the workload of PDMGs is balanced, allowing the PDMGs to focus on providing excellent customer service to applicants. The PD TFL manages and mentors PDMGs throughout the PA grant delivery process. PD TFLs ensure they set the conditions to ensure success of their PDMGs.

**43. Were you fully meeting these requirements?**

- a. Not fully, I couldn't meet the physical deployment requirement. (I had been accommodated for 4 years with remote/telework informal accommodations)

**44. If not, please discuss, including action you took to improve your performance.**

- a. NA

**45. Had you been counseled for performance issues during your Appointment?**

- a. yes

**46. If so, what were you counseled for?**

- a. Email formatting

**47. Did your performance improve?**

- a. yes

**48. Were you ever placed on a performance improvement plan (PIP)?**

- a. I do not recall at this time, and am unable to access employment records now that I have been terminated.

**49. If so, when and how long?**

- a. N/A

**50. Are you aware of any other similar situated employees who were not terminated during**

  
Initials \_\_\_\_\_

this time?

- a. no

**51.** Please identify by name, race, and prior EEO if known.

- a. NA

**52.** Why do you contend that you were treated differently because of your race?

- a. I was isolated, marginalized and very little work was assigned.

**53.** Why do you contend that you were treated differently because reprisal?

- a. The timing of performance issues and subsequent termination directly followed my complaints about reasonable accommodation requests not being adjudicated in a timely manner.
- b. I was isolated, marginalized and very little work was assigned.
- c. I have spoken with SOR many times about my concerns over being underutilized and how I could do more for the mission.

**54.** Do you have any witnesses to support your contentions in this matter? Identify by name, title, email, and nature of information to be provided

- a. Mark Underhill; former supervisor, PDTFL, [markbunderhill@yahoo.com](mailto:markbunderhill@yahoo.com)
  - i. Situational awareness of institutional pattern of behavior, can attest to the pattern of marginalization I experienced compared to non-disabled, younger employees. Witness to systemic patterns of discrimination against older and disabled employees
- b. Darla Dickerson; former supervisor, PDTFL, [Darla.Dickerson@fema.dhs.gov](mailto:Darla.Dickerson@fema.dhs.gov)
  - i. Situational awareness of institutional pattern of behavior, can attest to the pattern of marginalization I experienced compared to non-disabled, younger employees
- c. Russel Towndrow; co-worker, Public Assistance Group Supervisor, Training and Development Branch, Section Public Assistance Division, Office: (619)954-9446, Mobile: (202) 531-0640, [Russell.Towndrow@FEMA.DHS.GOV](mailto:Russell.Towndrow@FEMA.DHS.GOV)

Initials



- i. Situational awareness of institutional pattern of behavior, can attest to the pattern of marginalization I experienced compared to non-disabled, younger employees

55. Do you have anything else to add?

2. Much of the following has not been addressed in the denial.
  - a. "The denial must clearly state the specific reasons for the denial, which shall include, where applicable:"
  - b. Why the requested accommodation would not be effective;
  - c. Why the requested accommodation would result in undue hardship to the Agency;
  - d. Whether medical documentation provided was inadequate to establish that the individual has a disability and/or needs a reasonable accommodation.
  - e. Whether the requested accommodation would require the removal of an essential function
  - f. Whether the requested accommodation would require the lowering of a performance or production standard
3. The cumulative effect of these actions has not only affected or ended my career but also my health and well-being. I seek recognition and redress for these injustices.

This snip was taken around 02/24/24, so add days as appropriate;

Initials 

My Service Requests - 4 results found

Reasonable Accommodation Request - RAR0046767

Requested for: MEINDL, MAX Opened: 53d ago

Reasonable Accommodation Request - RAR0042452

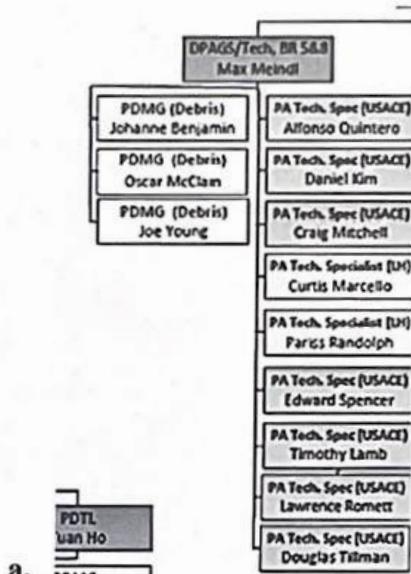
Requested for: MEINDL, MAX Opened: 57d ago

Reasonable Accommodation Request - RAR0023278

Requested for: MEINDL, MAX Opened: 84d ago

Reasonable Accommodation Request - RAR0023261

Requested for: MEINDL, MAX Opened: 84d ago



- b. . . I was deployed, virtually, to 4611DR, (09/2021-05/2023) as a PDTL.

RESOLUTION:

**IV. How would you like for your complaint to be resolved?**

- a. Full medical/disability in the amount of: six thousand five hundred dollars (\$6,500.00) per month, net, and full family health benefits paid for by the employer for the discrimination I've faced, which has led to significant health and financial impact.
- b. compensatory and punitive damages for emotional distress, and

Initials Z

- c. policy changes to prevent future discrimination

## V. Further Clarifications:

### AFFIDAVIT OF COMPLAINANT

I, MAX J. MEINDL, a resident of Bellville, Texas, in the County of Austin, submit this sworn statement regarding my Equal Employment Opportunity (EEO) complaint against the U.S. Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), on the grounds of discrimination based on my age (73), physical disability, and retaliation.

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### Background Information

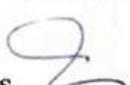
- Full Name: Max J. Meindl
- Position at Termination: Emergency Management Specialist, Program Delivery Task Force Leader (PDTFL)
- Series & Grade: 089/GS-12
- Employment Period: August 2017 – January 6, 2025
- Placement: Denton County – Remote
- Agency: DHS/FEMA – Recovery/Public Assistance
- Home Address: 5 E. Austin St., Bellville, TX 77418
- Supervisors:
  - First-Line Supervisor: Anthony In (Email: [Anthony.in@fema.dhs.gov](mailto:Anthony.in@fema.dhs.gov))
  - Second-Line Supervisor: Jodi Hunter
  - Period Under Supervision: Approximately 1 year

---

### Job Responsibilities

As a Program Delivery Task Force Leader (PDTFL), my responsibilities included:

- Serving as an intermediary between the Public Assistance Group Supervisor (PAGS) and Program Delivery Managers (PDMGs).
- Communicating Joint Field Office (JFO) operational priorities to PDMGs.

Initials 

- Ensuring workload balance for PDMGs to facilitate efficient customer service to applicants.
- Managing and mentoring PDMGs throughout the Public Assistance grant delivery process.
- Overseeing workflow and performance within the Infrastructure Branch, Recovery Division.

During my tenure, I successfully performed these duties remotely for over four years without any complaints about my work performance.

---

#### **Statement of Understanding**

I acknowledge my obligation to cooperate fully with the investigator assigned to conduct a thorough and impartial investigation of my complaint. My statement is made under oath in accordance with the Equal Employment Opportunity Commission (EEOC) and DHS Civil Rights regulations. I am aware that:

- My statement may be shown to the accused individuals, who will have the right to respond.
- The agency's officials responsible for processing complaints will have full access to the investigative report.
- Any retaliation for participation in the EEO process is strictly prohibited under Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act (ADEA), and the Rehabilitation Act of 1973.

---

#### **Claims of Discrimination & Retaliation**

##### **1. Failure to Provide Reasonable Accommodation (August 16, 2024)**

- Denied Accommodation Request: My request for 100% telework due to my disability was denied.
- Denial Rationale Provided by FEMA:
  - August 5, 2024: Anthony In stated my request was not viable due to my position's deployment requirement.
  - August 15, 2024: Jodi Hunter reaffirmed the denial, arguing that approving my request would require removing an essential function of deployment from my role.
- Legal Violations & Discrepancies:

Initials JH

- Rehabilitation Act of 1973, Section 501: Requires agencies to provide reasonable accommodations unless it creates undue hardship.
- My 190+ day wait for adjudication violates EEOC standards for timely accommodation.
- My four years of successful remote work proves that physical deployment was not an essential function.
- Failure to Properly Justify Denial:  
FEMA failed to clearly state:
  - Why the requested accommodation would not be effective.
  - Why the requested accommodation would result in undue hardship to the agency.
  - Whether medical documentation provided was inadequate to establish that I have a disability and need a reasonable accommodation.
  - Whether the requested accommodation would require the removal of an essential function.
  - Whether the requested accommodation would require the lowering of performance or production standards.

## 2. Wrongful Termination (January 6, 2025)

- Decision Maker: Anthony In
- Other Involved Individuals: Jodi Hunter, Don Simko, and FEMA legal counsel
- Termination Reason Given:
  - FEMA stated it could not provide reasonable accommodation anywhere within the agency.
  - No alternative placements were considered despite my experience and qualifications.
- Legal Violations & Retaliation Evidence:
  - Smith v. City of Jackson, 544 U.S. 228 (2005): Established that employment policies can be discriminatory under the ADEA based on disparate impact, even without intent.
  - Retaliation: My termination followed my formal requests for accommodations, demonstrating a direct link between my protected activity and adverse action.

---

### Comparative Disparities

- Younger, Non-Disabled Employees:
  - Received professional development opportunities and promotions.

Initials 2

- Were provided flexible work accommodations that I was denied.
  - Disabled Employees with Different Supervisors:
    - Were granted telework without excessive scrutiny.
  - Employees of Other Races:
    - Had greater access to leadership roles and assignments.
- 

### **Witnesses Supporting My Claims**

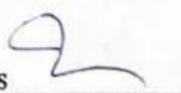
1. Mark Underhill – Former Supervisor, PDTFL ([markbunderhill@yahoo.com](mailto:markbunderhill@yahoo.com))
    - Witness to systemic patterns of discrimination against older and disabled employees.
  2. Darla Dickerson – Former Supervisor, PDTFL ([Darla.Dickerson@fema.dhs.gov](mailto:Darla.Dickerson@fema.dhs.gov))
    - Can attest to differential treatment of employees based on age and disability.
  3. Russel Towndrow – Public Assistance Group Supervisor  
([Russell.Towndrow@FEMA.DHS.GOV](mailto:Russell.Towndrow@FEMA.DHS.GOV))
    - Aware of institutional discrimination patterns.
- 

### **Requested Remedies**

1. Financial Compensation:
    - Full medical/disability in the amount of: six thousand five hundred dollars (\$6,500.00) per month, net, and
    - full family health benefits paid for by the employer, and
    - Compensatory and punitive damages for emotional distress.
  2. Policy Revisions:
    - Formal review of FEMA's Reasonable Accommodation policies.
    - Mandatory bias training for leadership regarding ADEA and Rehabilitation Act compliance.
    - Expansion of employment for Reasonable Accommodation representatives within the Agency.
- 

### **Final Affirmation**

Initials



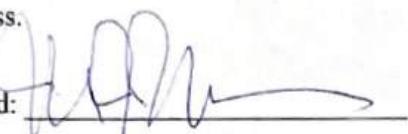
The cumulative effect of these actions has not only affected or ended my career but also severely impacted my health and well-being.

I have reviewed this statement, consisting of 22 pages, and hereby solemnly swear (or affirm) that it is true and complete to the best of my knowledge and belief. I understand that the information I have provided will not be held confidential and may be shared with the relevant parties in the investigative process.

Signed:

Max J. Meindl

Date:



02/14/25

Witness: \_\_\_\_\_

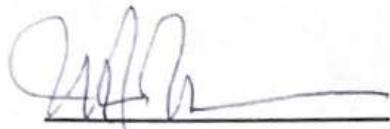
Investigator Name

Date: \_\_\_\_\_

Initials \_\_\_\_\_

Page 21 of 22

I have reviewed this statement, which consists of 22 pages and hereby solemnly swear (or affirm) that it is true and complete to the best of my knowledge and belief. I understand that the information I have given will not be held confidential and may be shown to the interested parties as well as made a permanent part of the Record of Investigation.



[AFFIANT]

02.14.25

[DATE]

Signed on this day 16 of February, 2025

LaKisha Wilson

[INVESTIGATOR/WITNESS]

Initials \_\_\_\_\_

Page 22 of 22

## Response to EEO Investigator's Questions/Statements

From: Max J. Meindl

Date: April 07, 2025

Dear LaKisha Wilson,

Thank you for your inquiry regarding my EEO complaint (HS-FEMA-02430-2024). Below are my responses to your questions and statements, based on my firsthand knowledge, the affidavit I submitted on February 14, 2025, and relevant documentation from my employment with FEMA. I aim to provide clear and specific information to assist in your investigation. Following my responses, I've included a table summarizing key individuals' involvement for your reference.

---

**\*\*Q14 – Race questions should not have been asked. Not a basis.\*\***

I acknowledge your statement that race was not a basis for my complaint. My EEO complaint, filed on December 20, 2024, and accepted on January 8, 2025, centers on discrimination based on disability (physical), age (born 1951), and retaliation, as outlined in my affidavit (pp. 13-15). While I mentioned race in my affidavit (pp. 3-4, Q14-17) in the context of differential treatment I perceived—such as employees of other races receiving more prominent roles—I agree it is not a primary basis of my formal claims. My focus remains on FEMA's failure to accommodate my disability, prolonged RA delays, and my termination on January 6, 2025, which I believe was retaliatory. I defer to your determination on race-related questions and will clarify further if needed.

---

**\*\*Q16 – Did Max Meindl have specific names of similarly situated individuals?\*\***

At the time of filing my affidavit (February 14, 2025), I did not provide specific names of similarly situated individuals who were treated differently regarding RA requests or termination (affidavit, p. 8, Q32: "NA"). This was due to my limited access to personnel records post-termination on January 6, 2025, and my isolation within the agency (affidavit, p. 8, Q33-34). However, I consistently asserted a pattern of differential treatment based on age and disability. For example, younger, non-disabled employees received professional development and flexible accommodations I was denied (affidavit, p. 15). FEMA advertised remote Emergency Management Specialist roles on August 17, 2023 (Key Findings Summary, p. 3), suggesting others received telework options while my requests languished. While I lack specific names, the pattern—supported by Mark Underhill's ignored August 4, 2022, endorsement (Key Findings Summary, p. 2)—speaks to the disparity. Comparative employee data from the investigation could substantiate this.

---

**\*\*Q20 – Would Traci Brasher have direct knowledge to the August 16, 2024, Reasonable Accommodation request that was denied? On January 6, 2025, Complainant was terminated.\*\***

Yes, Traci Brasher, as Acting Regional Administrator, would likely have direct knowledge of my August 16, 2024, RA denial. My documentation (Section 2: Chronology, p. 2) shows I escalated concerns to her multiple times in 2024. On January 25, 2024, she responded, "Let me know how I can assist" (Key Findings Summary, p. 3). On February 23, 2024, I

alerted her that my RA requests “never get adjudicated,” and on July 8, 2024, I requested an update on RAR0046767. On July 10, 2024, she assigned it to Shelia Clemons after a 194-day delay, admitting FEMA was “very far behind” (Key Findings Summary, p. 3). Though Jodi Hunter issued the August 16 denial (affidavit, p. 6), Brasher’s oversight role and engagement suggest she was aware. My termination on January 6, 2025, under her tenure (Key Findings Summary, p. 4), further implies her knowledge or influence.

---

**\*\*Q35 – Would Mark Underhill and Darla Dickerson who are named as witnesses have direct knowledge regarding the August 16, 2024, Reasonable Accommodation request that was denied? On January 6, 2025, Complainant was terminated.\*\***

Mark Underhill and Darla Dickerson, named as witnesses (affidavit, p. 8, Q35; p. 11, Q59), likely have limited direct knowledge of the August 16, 2024, RA denial, as they were former supervisors no longer in my chain of command by 2024. However, they offer critical contextual knowledge of FEMA’s systemic handling of my RA requests, culminating in the denial and my January 6, 2025, termination. Underhill endorsed my RA (RAR0042452) as “reasonable” on August 4, 2022 (Key Findings Summary, p. 2), ignored for over 700 days. Dickerson supervised me earlier (affidavit, p. 15). Both can attest to my marginalization compared to non-disabled, younger employees (affidavit, p. 15), informing the pattern leading to the denial and termination.

---

**\*\*Q40 – Would Don Simko, have direct knowledge Don Simko, regarding the August 16, 2024, Reasonable Accommodation request that was denied? On January 6, 2025, Complainant was terminated.\*\***

Don Simko likely has direct knowledge of the August 16, 2024, RA denial process, though I lack specific records pinpointing his role then. As a FEMA leadership figure involved in the ADR process for my RA concerns (noted in my initial request), he engaged in informal resolution efforts. My affidavit (p. 9, Q40) lists him among those potentially involved in my January 6, 2025, termination. His ADR role suggests he knew of my RA requests, including RAR0046767, denied on August 16, 2024 (affidavit, p. 6). Given his leadership position, I believe he was aware of or influenced the denial and termination. The investigation could confirm this via his testimony or records.

---

**\*\*Q59 – Mark Underhill and Darla Dickerson named as witnesses.\*\***

As noted (affidavit, p. 11, Q59), Mark Underhill and Darla Dickerson can provide situational awareness of FEMA’s institutional patterns. Underhill (markbunderhill@yahoo.com) can testify to his ignored August 4, 2022, endorsement (Key Findings Summary, p. 2) and my marginalization (affidavit, p. 11). Dickerson (Darla.Dickerson@fema.dhs.gov) can corroborate my underutilization and differential treatment (affidavit, p. 15). Their supervisory experience supports my claims of discrimination and retaliation leading to my January 6, 2025, termination.

---

**\*\*Table: Key Individuals and Their Involvement\*\***

To aid your review, I’ve summarized the roles and relevance of key individuals tied to my RA requests, August 16, 2024, denial, and my January 6, 2025, termination:

Name	Role	Key Involvement	Relevance to August 16, 2024, Denial	Relevance to January 6, 2025, Termination
<b>Traci Brasher</b>	Acting Regional Administrator	Escalated RA concerns (Jan–Jul 2024); assigned RAR0046767 to Clemons (Jul 10, 2024)	Likely aware due to oversight role and direct engagement	Termination occurred under her tenure
<b>Mark Underhill</b>	Former PDTFL Supervisor	Endorsed RA as “reasonable” (Aug 4, 2022); witnessed systemic issues	Contextual knowledge of ignored RA process	Supports pattern leading to termination
<b>Darla Dickerson</b>	Former PDTFL Supervisor	Supervised me earlier; aware of marginalization	Contextual knowledge of systemic treatment	Supports pattern leading to termination
<b>Don Simko</b>	FEMA Leadership (ADR Participant)	Involved in ADR for RA concerns; listed in termination context (affidavit, p. 9)	Likely aware via ADR; possible influence on denial	Potentially influenced termination decision
<b>Anthony In</b>	Supervisor of Record (SOR)	Denied RA (Aug 5, 2024); issued termination notice (Jan 6, 2025)	Direct role in initial denial	Directly executed termination
<b>Jodi Hunter</b>	Second-Line Supervisor	Upheld RA denial (Aug 16, 2024)	Directly issued final denial	Involved in termination process (affidavit, p. 9)

I hope these responses and the table clarify the roles of the individuals involved and the context of my claims. I remain available to provide additional details or documentation to ensure a thorough investigation. Thank you for your attention to this matter.

Sincerely,

Max J. Meindl

5 E. Austin St., Bellville, TX 77418

Phone: 832-293-3671

# TAB F-1a

Decision on Request for Reasonable Accommodation



**FEMA**

## **Decision on Request for Reasonable Accommodation**

Date: **November 26, 2024**

To: **Max Meindl**

From: **Anthony In**

Copy: Office of Civil Rights (OCR), Disability Support Branch

Re: Reasonable Accommodation (RA) Request – **RAR0046767**

---

### **Background**

On January 2, 2024, you requested a reasonable accommodation of “remote/virtual/teleworking.” At that time and currently, your position was as a Direct Charge Core (DCC), Emergency Management Specialist (Recovery). After receiving your request for reasonable accommodation, an RA Specialist was assigned on or about June 12, 2024. We engaged with you in interactive discussions with the guidance of an RA Specialist on the following dates: July 10, 11, 12, 24, and 31; August 5.

### **Decision**

From January 2024 until August 2024, before the denial of your accommodation request, I, Anthony In, as your First Line Supervisor of Record (SOR) worked to ensure your safety by providing 100% telework and marking you as unavailable for deployment in the DTS system, as necessary.

During your onboarding, I engaged in interactive discussions with you, asking for more detailed information about your limitations and reminding you of your responsibility to physically deploy, as it is a key essential function of the job.

In January 2024, I acknowledged your medical issues and reminded you of your obligations to be deployed but marked you unavailable in the DTS system while we continued to discuss your status and when you would be able to return to regular duties.

In May 2024, I continued having interactive discussions with you to remind you of your obligations to deploy. You advised that you had a pending accommodation, and I continued to

support by providing telework and alternative work assignments while a final determination had been reached.

On August 5, 2024, I, your First Line Supervisor of Record, denied your request for virtual/remote/telework as it would require the agency to remove the following essential functions of your position as a DCC, Emergency Management Specialist (Recovery):

- That you serve as a front-line employee and the primary point of contact and interface with the public for technical support, program delivery, and advise of grant opportunities.
- That you must be ready to deploy physically anywhere in the United States or its territories at any time on a 24-hour notice.
- That frequent Temporary Duty (TDY) travel is required.
- That you are assigned to an emergency team designed to perform essential functions during an actual or impending crisis or declared national emergency, subject to recall during non-duty hours in the event of emergencies.
- That you are required by emergency assignment to be available to report to an emergency duty station during duty and non-duty hours by the fastest means available and be prepared to operate at the emergency duty station for an indefinite period.
- That deployments include working more than eight (8) hours a day or more than forty (40) hours per week, including weekends and holidays.
- Specifically, your Position Description states as a Condition of Employment that “The work is normally performed in an office setting. However, this position requires that the incumbent train, maintain a state of readiness, and be deployed into the possible high-risk environment of a disaster site. Conditions in some disaster environments may include irregular diet or rations; limited rest; uncomfortable sleeping conditions; extensive overtime; an environment with unsanitary conditions; and related risks, such as reoccurrence of the disaster event (e.g., general hazards, or additional flooding). Travel may be required on short notice, during poor conditions. Extreme caution must be exercised to assure personal safety, as well as safety of co-workers and members of the public who look to the employee for guidance.”

Following this decision, you submitted a request for appeal to your Second Line Supervisor of Record, Jodi Hunter.

On August 15, 2024, your Second Line Supervisor of record denied your request for non-deployment citing the forgoing essential functions required for job performance. In addition, Ms. Hunter cited that Max’s “acknowledgment that he cannot leave his house to deploy under any circumstances contributes to my decision. Finally, his branch (Infrastructure Branch, Recovery Division) supports disaster deployments on an almost daily basis. His temporary accommodation cannot continue as assignments of duties are totally unrelated to his current position of record and cannot be continued.”

On August 26, 2024, you informed the Office of Civil Rights of your desire to enter the reassignment process as an accommodation of last resort to an equivalent, vacant, funded

position. On October 30, 2024, the Talent Recruitment & Acquisition Division informed you there are no vacant positions which could serve as an accommodation of last resort.

As is readily apparent from a review of the above-noted essential job functions, your position is not suitable for non-deployment and/or telework. That is because there are a substantial number of essential job tasks that require your ability to travel and to deploy to disaster events. We determined that, based on all the information known to us after conducting an individualized assessment of the relevant circumstances, including the essential functions of the specific job and the requested accommodation(s), that the accommodation requested would have required the agency to lower performance standards, production standards, or otherwise fundamentally change the nature of the position. The Rehabilitation Act does not require that FEMA modify or eliminate essential functions of a job to provide an accommodation. As such, FEMA has exhausted all efforts to accommodate you through the reasonable accommodation process and will proceed with a final denial.

### **Right to Equal Employment Opportunity**

If you believe that this denial constitutes unlawful discrimination and wish to file an Equal Employment Opportunity Complaint pursuant to 29 C.F.R. 1614, contact an EEO Counselor in the Office of Civil Rights by emailing [FEMA-OCR-EEO@fema.dhs.gov](mailto:FEMA-OCR-EEO@fema.dhs.gov) or calling 202-212-3535 within 45 days from the date of this denial of reasonable accommodation or 45 days from the date you became aware of the action.

Anthony In  
Supervisory Emergency Management Specialist

---

*Anthony In*  
Signature of Deciding Official

12/02/2024  
Date

### **Acknowledgement of Receipt:**

*Please sign the acknowledgement of receipt below. Your signature does not indicate agreement with this decision, and by signing, you do not forfeit any of your rights cited above. Your signature only represents your receipt of this decision on the date signed.*

---

Max Meindl

---

Date

# TAB F-1b

RAR0046767 Max Meindl



FEMA

January 06, 2025

MEMORANDUM FOR: Max J. Meindl  
Emergency Management Specialist - CORE  
Region 6  
Recovery Division

FROM: Anthony In  
Supervisory Emergency Management Specialist  
Region 6  
Recovery Division

SUBJECT: Notice of Termination of Appointment

This memorandum notifies you that your appointment as a Cadre of On-Call/Response/Recovery Employee (CORE), Emergency Management Specialist, IC-0089-12, Region 6, Recovery Division, Federal Emergency Management Agency (FEMA), and the Federal service is terminated effective January 06, 2025. This action is based on the following charge:

**Charge 1: Inability to Perform (As a result of a Medical Condition)**

**Specification 1:** The medical evidence shows that you have hypertension, coronary artery disease with dyspnea on exertion, angina, arthritis of knees, and unable to function well on uneven ground, nor able to walk short distances. Because of these medical conditions, you are unable to travel as your position demands.

**BACKGROUND**

In a medical certificate dated December 27, 2023, your physician, C. Christope Gay, MD, stated that you have been his patient for 5 years and are being treated for several significant and chronic illnesses, to include hypertension and coronary artery disease with dyspnea on exertion. He also stated that the significant and chronic illnesses restrict you from being on site and impairs your ability to travel from home safely. Additionally, the Medical Inquiry in Response to a Disability Accommodation Request completed by C. Christope Gay, MD, PA, provided additional diagnosis of angina, arthritis of knees and limitations of chest pain and dyspnea with exertion and unable to function well on uneven ground, nor able to walk short distances.

On January 2, 2024, you submitted a Reasonable Accommodation request for 100% remote/virtual telework to the Office of Civil Rights (formally Office of Equal Rights) due to you experiencing considerable medical challenges that are impacting your ability to travel to and work from a traditional work environment effectively. Your current role as an Emergency Management Specialist, Program Delivery Task Force Leader (PD TFL), has not been designed

for telework. Specifically, your Position Description states that frequent Temporary Duty (TDY) travel is required and that “The work is normally performed in an office setting. However, this position requires that the incumbent train, maintain a state of readiness, and be deployed into the possible high-risk environment of a disaster site. Conditions in some disaster environments may include irregular diet or rations; limited rest; uncomfortable sleeping conditions; extensive overtime; an environment with unsanitary conditions; and related risks, such as reoccurrence of the disaster event (e.g., general hazards, or additional flooding). Travel may be required on short notice, during poor conditions. Extreme caution must be exercised to assure personal safety, as well as safety of co-workers and members of the public who look to the employee for guidance.”

On September 5, 2024, the Talent Recruitment & Acquisition Division of the Office of the Chief Human Capital Officer initiated a reassignment search process to identify a funded, vacant position within FEMA and other DHS components. On October 30, 2024, the Talent Recruitment & Acquisition Division informed you there were no vacant positions for which you were minimally qualified, and FEMA had exhausted all efforts to accommodate you through the reasonable accommodation process resulting in the denial of your request. Accordingly, the search concluded. On November 26, 2024, you were issued an official denial letter that determined that, based on all the information known to the agency after conducting an individualized assessment of the relevant circumstances, to include the essential functions of the specific job and the requested accommodation(s), that the requested accommodation would require the agency to fundamentally change the nature of the position.

Since you cannot perform the essential functions of your current position as an Emergency Management Specialist with the Recovery Division, Region 6, or any vacant position for which you are qualified with the Federal Emergency Management Agency (FEMA), with or without reasonable accommodation, you are subject to removal for medical inability.

While I am concerned about your personal situation, health, and well-being, I have an obligation to ensure that the work in this office is completed in a timely and efficient way. The position you occupy needs to be filled by an employee who can perform the essential functions of the position on a regular, full-time basis. As there is no foreseeable end to your inability to perform the essential functions of your position, and to promote the efficiency of the service, it is necessary to move forward with your removal.

## **Determination**

In determining the appropriate conclusion to impose regarding this matter, the following factors were taken into consideration.

1. I considered that you are incapable of performing the duties of your position as an Emergency Management Specialist, IC-0089-12, due to your documented medical conditions.
2. I considered that you signed the Conditions of Employment that states that you “understand that I may be assigned to perform my disaster-related duty. Irrespective of my position description, based on the needs of the operational situation, and I must be ready to deploy

“wherever the Agency needs my services within 24 -48 hours of notification” on October 31, 2023.

3. I do not believe that there are any alternative or lesser actions that would enable you to perform your duties, and the decision to remove you from your position is adequate and in the best interest of the Agency.

You must turn in all Government-issued equipment, including but not limited to cellular phones, laptop computers, keys, credentials, access or identification cards, Government travel credit/charge card (cut credit card in half), and any FEMA office files or back-up (key drives/discs) computer files you have in your possession no later than close of business on January 10, 2025.

### **Employee Rights**

Because you were appointed to a position under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended, your appointment is excluded from the provisions of Title V. FEMA is extending to you the opportunity to appeal this decision to Supervisory Emergency Management Specialist, Jodi Hunter. If you wish to appeal this decision you may do so in writing no later than 5:00 p.m. on the fifth calendar day after you receive this notice. Your appeal must be sent to Ms. Hunter **through** Talease Hughes-Harris, Labor and Employee Relations Specialist via email at [talease.hughesharris@fema.dhs.gov](mailto:talease.hughesharris@fema.dhs.gov). Ms. Hunter will issue a final decision.

If you wish to allege this action was the result of prohibited discrimination based on race, color, religion, sex, national origin, disability, age, genetic information, or reprisal, you may file a discrimination complaint with the FEMA Office of Equal Rights. To file a complaint with the FEMA Office of Equal Rights, you must contact a counselor within 45 days of the effective date of this action. Your complaint should be sent in writing to: Office of Equal Rights, 500 C Street SW, 4th Floor, Washington, DC, 20472-3505. You can reach a member of the Equal Rights staff at (202) 646-3535.

### **Federal Benefits**

The Retirement and Benefits branch is available to answer any questions you may have concerning retirement and your Federal benefits. Please contact the Retirement and Benefits Branch at [FEMA-HC-BENEFITS@FEMA.DHS.GOV](mailto:FEMA-HC-BENEFITS@FEMA.DHS.GOV).

### **Employee Assistance Program**

If you would like to talk with an Employee Assistance Program (EAP) Counselor about this matter or any personal and/or work-related matter, a counselor can be reached at 1-800-222-0364. You do not have to pay a fee to use the service. However, if the counselor refers you outside the program and if any costs are incurred, those costs are your responsibility. Consultations with a Counselor

are strictly confidential- the Counselor cannot release information about you to anyone, without your permission. This is a voluntary program - meaning you cannot be ordered to contact a Counselor.

If you have any questions concerning this notice, please contact Talease Hughes Harris, Office of the Chief Component Human Capital Officer, Employee Services Division, Labor and Employee Relations Branch at [talease.hughesharris@fema.dhs.gov](mailto:talease.hughesharris@fema.dhs.gov) or (202) 706-3540.

cc:

Talease Hughes-Harris, LER

### **Acknowledgement of Receipt**

*You are requested to sign and date the acknowledgment copy of this memorandum as evidence that you have received it. Your signature does not indicate that you agree or disagree with the contents of this memorandum. However, your failure to sign the acknowledgment copy will not void the contents of this memorandum.*

---

Max J. Meindl

DATE

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# TAB F-1c

Final Notice of Termination of Appointment Max Meindl



FEMA

January 06, 2025

MEMORANDUM FOR: Max J. Meindl  
Emergency Management Specialist - CORE  
Region 6  
Recovery Division

FROM: Anthony In  
Supervisory Emergency Management Specialist  
Region 6  
Recovery Division

SUBJECT: Notice of Termination of Appointment

This memorandum notifies you that your appointment as a Cadre of On-Call/Response/Recovery Employee (CORE), Emergency Management Specialist, IC-0089-12, Region 6, Recovery Division, Federal Emergency Management Agency (FEMA), and the Federal service is terminated effective January 06, 2025. This action is based on the following charge:

**Charge 1: Inability to Perform (As a result of a Medical Condition)**

**Specification 1:** The medical evidence shows that you have hypertension, coronary artery disease with dyspnea on exertion, angina, arthritis of knees, and unable to function well on uneven ground, nor able to walk short distances. Because of these medical conditions, you are unable to travel as your position demands.

**BACKGROUND**

In a medical certificate dated December 27, 2023, your physician, C. Christope Gay, MD, stated that you have been his patient for 5 years and are being treated for several significant and chronic illnesses, to include hypertension and coronary artery disease with dyspnea on exertion. He also stated that the significant and chronic illnesses restrict you from being on site and impairs your ability to travel from home safely. Additionally, the Medical Inquiry in Response to a Disability Accommodation Request completed by C. Christope Gay, MD, PA, provided additional diagnosis of angina, arthritis of knees and limitations of chest pain and dyspnea with exertion and unable to function well on uneven ground, nor able to walk short distances.

On January 2, 2024, you submitted a Reasonable Accommodation request for 100% remote/virtual telework to the Office of Civil Rights (formally Office of Equal Rights) due to you experiencing considerable medical challenges that are impacting your ability to travel to and work from a traditional work environment effectively. Your current role as an Emergency Management Specialist, Program Delivery Task Force Leader (PD TFL), has not been designed

for telework. Specifically, your Position Description states that frequent Temporary Duty (TDY) travel is required and that “The work is normally performed in an office setting. However, this position requires that the incumbent train, maintain a state of readiness, and be deployed into the possible high-risk environment of a disaster site. Conditions in some disaster environments may include irregular diet or rations; limited rest; uncomfortable sleeping conditions; extensive overtime; an environment with unsanitary conditions; and related risks, such as reoccurrence of the disaster event (e.g., general hazards, or additional flooding). Travel may be required on short notice, during poor conditions. Extreme caution must be exercised to assure personal safety, as well as safety of co-workers and members of the public who look to the employee for guidance.”

On September 5, 2024, the Talent Recruitment & Acquisition Division of the Office of the Chief Human Capital Officer initiated a reassignment search process to identify a funded, vacant position within FEMA and other DHS components. On October 30, 2024, the Talent Recruitment & Acquisition Division informed you there were no vacant positions for which you were minimally qualified, and FEMA had exhausted all efforts to accommodate you through the reasonable accommodation process resulting in the denial of your request. Accordingly, the search concluded. On November 26, 2024, you were issued an official denial letter that determined that, based on all the information known to the agency after conducting an individualized assessment of the relevant circumstances, to include the essential functions of the specific job and the requested accommodation(s), that the requested accommodation would require the agency to fundamentally change the nature of the position.

Since you cannot perform the essential functions of your current position as an Emergency Management Specialist with the Recovery Division, Region 6, or any vacant position for which you are qualified with the Federal Emergency Management Agency (FEMA), with or without reasonable accommodation, you are subject to removal for medical inability.

While I am concerned about your personal situation, health, and well-being, I have an obligation to ensure that the work in this office is completed in a timely and efficient way. The position you occupy needs to be filled by an employee who can perform the essential functions of the position on a regular, full-time basis. As there is no foreseeable end to your inability to perform the essential functions of your position, and to promote the efficiency of the service, it is necessary to move forward with your removal.

## Determination

In determining the appropriate conclusion to impose regarding this matter, the following factors were taken into consideration.

1. I considered that you are incapable of performing the duties of your position as an Emergency Management Specialist, IC-0089-12, due to your documented medical conditions.
2. I considered that you signed the Conditions of Employment that states that you “understand that I may be assigned to perform my disaster-related duty. Irrespective of my position description, based on the needs of the operational situation, and I must be ready to deploy

“wherever the Agency needs my services within 24 -48 hours of notification” on October 31, 2023.

3. I do not believe that there are any alternative or lesser actions that would enable you to perform your duties, and the decision to remove you from your position is adequate and in the best interest of the Agency.

You must turn in all Government-issued equipment, including but not limited to cellular phones, laptop computers, keys, credentials, access or identification cards, Government travel credit/charge card (cut credit card in half), and any FEMA office files or back-up (key drives/discs) computer files you have in your possession no later than close of business on January 10, 2025.

### **Employee Rights**

Because you were appointed to a position under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended, your appointment is excluded from the provisions of Title V. FEMA is extending to you the opportunity to appeal this decision to Supervisory Emergency Management Specialist, Jodi Hunter. If you wish to appeal this decision you may do so in writing no later than 5:00 p.m. on the fifth calendar day after you receive this notice. Your appeal must be sent to Ms. Hunter **through** Talease Hughes-Harris, Labor and Employee Relations Specialist via email at [talease.hughesharris@fema.dhs.gov](mailto:talease.hughesharris@fema.dhs.gov). Ms. Hunter will issue a final decision.

If you wish to allege this action was the result of prohibited discrimination based on race, color, religion, sex, national origin, disability, age, genetic information, or reprisal, you may file a discrimination complaint with the FEMA Office of Equal Rights. To file a complaint with the FEMA Office of Equal Rights, you must contact a counselor within 45 days of the effective date of this action. Your complaint should be sent in writing to: Office of Equal Rights, 500 C Street SW, 4th Floor, Washington, DC, 20472-3505. You can reach a member of the Equal Rights staff at (202) 646-3535.

### **Federal Benefits**

The Retirement and Benefits branch is available to answer any questions you may have concerning retirement and your Federal benefits. Please contact the Retirement and Benefits Branch at [FEMA-HC-BENEFITS@FEMA.DHS.GOV](mailto:FEMA-HC-BENEFITS@FEMA.DHS.GOV).

### **Employee Assistance Program**

If you would like to talk with an Employee Assistance Program (EAP) Counselor about this matter or any personal and/or work-related matter, a counselor can be reached at 1-800-222-0364. You do not have to pay a fee to use the service. However, if the counselor refers you outside the program and if any costs are incurred, those costs are your responsibility. Consultations with a Counselor

are strictly confidential- the Counselor cannot release information about you to anyone, without your permission. This is a voluntary program - meaning you cannot be ordered to contact a Counselor.

If you have any questions concerning this notice, please contact Talease Hughes Harris, Office of the Chief Component Human Capital Officer, Employee Services Division, Labor and Employee Relations Branch at [talease.hughesharris@fema.dhs.gov](mailto:talease.hughesharris@fema.dhs.gov) or (202) 706-3540.

cc:

Talease Hughes-Harris, LER

### **Acknowledgement of Receipt**

*You are requested to sign and date the acknowledgment copy of this memorandum as evidence that you have received it. Your signature does not indicate that you agree or disagree with the contents of this memorandum. However, your failure to sign the acknowledgment copy will not void the contents of this memorandum.*

---

Max J. Meindl

DATE

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# TAB F-2

## Complainant Rebuttal

## Rebuttal Affidavit of Complainant

I, Max J. Meindl, County of AUSTIN, am a former employee of FEMA.

- Agency: FEMA
- Washington DC
- Office: PA
- Division: Recovery Division
- Branch: Infrastructure Branch
- Location: Bellville, TX
- Position: Direct Charge Core (DCC), Emergency Management Specialist (Recovery)
- Employment Dates: 08/2017-01/2025 *Entire fema employment*
  - November 2023 to January 6, 2025, *for this specific position*

### **Advisement**

I have been advised of my duty to fully cooperate with the investigator assigned to my discrimination complaint. My statement must be truthful, detailed, and specific, including names, dates, places, and circumstances. It, along with my Informal Complaint, Counselor's Summary Report, Formal Complaint, and accepted issues, forms the basis of the investigation. I may submit additional evidence or suggest witnesses, though the investigator decides what to include or pursue. This statement is made under oath, is not confidential per EEOC and DHS regulations, and may be shared with accused parties or agency officials. I am protected from reprisal for participating in this process.

- Representation: I have retained Attorney Brent Smith, 116516 El Camino Real #406, Houston, TX 77062, [brent@bwsmithlaw.com](mailto:brent@bwsmithlaw.com).
- Rights: I may review and amend this statement before signing and will receive a copy.

I swear/affirm that the following statement is true and complete to the best of my knowledge.

### Accepted Issues for Investigation

Whether I, Max J. Meindl, Emergency Management Specialist (Applicant), of Bellville, TX, was discriminated against based on disability (physical, cardiovascular condition) and age (born 1951) by management when:

1. On August 16, 2024, my Reasonable Accommodation request was denied.
2. On January 6, 2025, I was terminated.

## **Rebuttal Statement**

I submit this rebuttal to counter the statements of my former supervisor, Anthony T. In, regarding the denial of my reasonable accommodation (RA) request (RAR0046767) on August 16, 2024, and my termination on January 6, 2025. I assert that FEMA discriminated against me based on my physical disability and age (74 at termination), violating the ADA (42 U.S.C. §12112) and ADEA (29 U.S.C. §623). Below, I address In's claims, detail our conversations, and present a timeline (Table 1) showing FEMA's pattern of discrimination, retaliation, and legal violations.

### **Response to Anthony In's Statements**

#### **1. Denial of Reasonable Accommodation (August 16, 2024)**

Anthony In asserts that my RA request for permanent telework was denied because I couldn't perform "essential functions" like physical deployment, claiming FEMA engaged in an interactive process. This is false and pre-textual.

- o My Successful Remote Work: From March 2020 to May 2023, I performed exemplary remote work (Performance Reviews), with Anthony In approving 100% telework and marking me unavailable for deployment (Table 1, March 2020–May 2023). My success continued in 2024 until the denial, proving deployment wasn't essential for my role. FEMA's claim contradicts my record and the ADA's requirement to assess individual capabilities (42 U.S.C. §12111(8)).
- o A pattern of Delays and Denials: As shown in Table 1, my RA requests faced consistent neglect—e.g., RAR0023261 was ignored for 730 days, RAR0042452 (endorsed by Mark Underhill) was disregarded for 886 days, and RAR0046767 denied after a 194-day delay despite my proven telework success. These delays violate FEMA's 45-day processing standard (Directive 256-022-01) and the ADA's mandate for a timely interactive process (42 U.S.C. §12112(b)(5)(A); EEOC v. Supervalu Inc., 670 F.3d 759).
- o Discrimination Evidence: I meet the McDonnell Douglas prima facie case: I'm disabled, over 40, qualified (via telework), and faced an adverse action. FEMA's "deployment duties" excuse (Myers Email, Aug 16, 2024) is a pretext, as my performance disproves it, suggesting bias against my age and disability.

#### **2. Termination (January 6, 2025)**

In claims, my termination for "medical inability" was legitimate after the RA process failed and no vacant positions were available. This is a cover for retaliation.

- o Pretextual Reasoning: My termination came six months after escalating RAR0046767 (Email to FEMA-OCR-EEO, Aug 22, 2024) and 17 days after filing my formal EEO

complaint (Dec 20, 2024; Table 1). This timing, following a history of retaliation since my 2018 complaint (HS-FEMA-01876), violates the ADA's anti-retaliation provisions (42 U.S.C. §12203(a); Clark County v. Breeden, 532 U.S. 268). The "medical inability" label is baseless given my telework success.

- o Retaliatory Pattern: Table 1 shows FEMA's consistent retaliation—e.g., closing my 2018 complaint without investigation and ignoring RA requests post-EEO activity. Their swift rejection of reassignment options (Oct 30, 2024) further indicates bad faith.
- o Discrimination Evidence: My termination after years of strong performance and EEO engagement meets McDonnell Douglas criteria, with the timing and pretext pointing to disability and age bias.

### 3. Conversations with Anthony In

Throughout 2024, I had multiple discussions with Anthony In about my underutilization and lack of work assignments. I told him I felt set up for failure due to FEMA's refusal to provide tasks matching my telework accommodation. These exchanges were often tense, and Anthony acknowledged my concerns but took no action. For example:

- o July 9, 2024, Teams Communication (Exhibit B): Anthony wrote, "Talked to Region, waiting for guidance," after I pressed him on the lack of work and RA delays. No guidance or tasks followed, despite my repeated pleas (personal notes).
- o May 29, 2024: We discussed deployment, and his Houston proposal was overruled in nine minutes (Email to FEMA-OCR-EEO, Aug 22, 2024), showing his awareness of my situation but inability or unwillingness to act.

This inaction exacerbated my stress, creating a hostile work environment and violating the ADA's requirement to provide reasonable accommodations (29 C.F.R. §1630.2(o)(1)(ii)). It supports my claim that FEMA targeted me due to my disability and age.

### **Pattern of Mistreatment and ADA Violations**

The timeline below, compiled from personal records, correspondence, and the EEO Counselor's Report, illustrates FEMA's discriminatory pattern:

Table 1: Timeline of Key Events and Violations

Date	Description	Evidence/Outcome
Sept 21, 2018	Filed harassment complaint HS-FEMA-01876 for disability-related mistreatment.	Closed without investigation (Oct 15, 2018).
Nov 26, 2018	Submitted RA request RAR001234 for episodic telework.	Denied by Jamie McAllister (Dec 10, 2018), no process.
June 26, 2019	Supervisor Dennis Alexander denied FMLA leave, misstating eligibility.	Email, June 26, 2019.
March 4, 2020	Voiced retaliation concerns to HR: "I don't want to seem like a scare monger."	Email to HR.
March 2020–May 2023	Performed exemplary remote work.	Performance reviews; personal notes.
Sept 21, 2021	Filed RA request RAR0017691 for vaccine exemption (disability-based).	Misclassified as religious, delayed 87 days (Dec 17, 2021).
Oct 28, 2021	Submitted RA requests RAR0023025 (telework) and RAR0023278 (religious).	Unresolved for 1,195 days; no response.
Jan 6, 2022	Filed RA request RAR0023261 for cardiovascular needs.	Ignored for 730 days; no response.
April 20, 2022	Suffered heart attack; informed Richard Cain: "Will be off this week..."	Email, April 20, 2022.
Aug 4, 2022	Submitted RA request RAR0042452 for permanent telework; endorsed by Underhill.	RA Form; Underhill Email, Aug 15, 2022 (ignored).
Jan 2, 2024	Filed RA request RAR0046767 for permanent telework.	RA Form; denied after 194 days (Aug 16, 2024).
May 29, 2024	Discussed deployment with Anthony In; Houston proposal overruled in 9 min.	Personal notes; Email to FEMA-OCR-EEO, Aug 22.
July 10, 2024	Traci Brasher admitted RA delays; Shelia Clemons sent unencrypted records.	Teams Log; Clemons Email, ID #2024-MED-331 (HIPAA violation).
Aug 16, 2024	EEO Specialist Anna Myers denied RAR0046767, citing "deployment duties."	Email from Myers.

Sept 3, 2024	Contacted EEO counselor; interviewed Sept 18, 2024.	EEO Counselor's Report.
Oct 17, 2024	Retained attorney Brent Smith; mediation failed (Oct 15–Dec 4, 2024).	Personal records.
Dec 20, 2024	Filed formal EEO complaint.	EEO Counselor's Report.
Jan 6, 2025	Terminated for "medical inability."	Termination Notice.

Key Violations:

- ADA: No interactive process (e.g., RAR001234), delays up to 1,195 days (Table 1), and ignored endorsements (RAR0042452) violate 42 U.S.C. §12112(b)(5)(A) (Barnett v. U.S. Air, 535 U.S. 391).
- HIPAA: Unencrypted medical records (July 10, 2024) breach 45 C.F.R. §164.312.
- Retaliation: Termination post-EEO complaint aligns with Clark County v. Breeden.
- Age Bias: Excessive scrutiny at 74 despite strong performance violates ADEA (Babb v. Wilkie, 140 S. Ct. 1168).

Witnesses and Evidence

- Witnesses:
  - Jodi Hunter (denied appeal), Mark Underhill (endorsed RAR0042452), Traci Brasher (admitted delays), Richard Cain (notified of heart attack).
- Evidence:
  - Performance reviews (2020-2023), RA forms, emails (e.g., Aug 22, 2024 to FEMA-OCR-EEO), Teams logs (Exhibit B, July 9, 2024), Termination Notice, Table 1.

I have reviewed this [5]-page statement and swear/affirm it is true and complete. I understand it may be shared and included in the Record of Investigation.

Signed: /s/ MAX J MEINDL

Max J. Meindl

Date: March 22, 2025

Witness/Investigator:

[INVESTIGATOR/WITNESS]

*Lakusha Wilson*

3.28.2025

[DATE]

# TAB F-2a

Complainant Rebuttal of Jodi Hunter

## **Rebuttal Affidavit of Complainant**

**I, Max J. Meindl, County of Austin, am a former employee of FEMA.**

- **Agency:** FEMA
- **Washington DC**
- **Office:** PA
- **Division:** Recovery Division
- **Branch:** Infrastructure Branch
- **Location:** Bellville, TX
- **Position:** Direct Charge Core (DCC), Emergency Management Specialist (Recovery)
- **Employment Dates:** November 2023 to January 6, 2025 (for this specific position); 08/2017-01/2025 (entire FEMA employment)

### **Advisement**

I have been advised of my duty to fully cooperate with the investigator assigned to my discrimination complaint. My statement must be truthful, detailed, and specific, including names, dates, places, and circumstances. It, along with my Informal Complaint, Counselor's Summary Report, Formal Complaint, and accepted issues, forms the basis of the investigation. I may submit additional evidence or suggest witnesses, though the investigator decides what to include or pursue. This statement is made under oath, is not confidential per EEOC and DHS regulations, and may be shared with accused parties or agency officials. I am protected from reprisal for participating in this process.

- **Representation:** I have retained Attorney Brent Smith, 116516 El Camino Real #406, Houston, TX 77062, [brent@bwsmithlaw.com](mailto:brent@bwsmithlaw.com).
- **Rights:** I may review and amend this statement before signing and will receive a copy.

I swear/affirm that the following statement is true and complete to the best of my knowledge.

### **Accepted Issues for Investigation**

Whether I, Max J. Meindl, Emergency Management Specialist (Applicant), of Bellville, TX, was discriminated against based on disability (physical, cardiovascular condition) and age (born 1951) by management when:

1. On August 16, 2024, my Reasonable Accommodation request was denied.
2. On January 6, 2025, I was terminated.

## **Rebuttal Statement**

I submit this rebuttal to counter the statements of my former second-line supervisor, Jodi Hunter, in her affidavit dated March 25, 2025, regarding the denial of my Reasonable Accommodation (RA) request (RAR0046767) on August 16, 2024, and my termination on January 6, 2025. Hunter claims I “refused” to deploy (Affidavit, p. 3), a false and pretextual assertion. I assert that FEMA discriminated against me based on my physical disability (COPD, CAD, etc.) and age (74 at termination), violating the ADA (42 U.S.C. §12112), ADEA (29 U.S.C. §623), and Rehabilitation Act (29 U.S.C. §791). Below, I address Hunter’s claims with evidence from my record and chat logs, supported by Table 1 (timeline), Table 2 (key violations), and Table 3 (witnesses/evidence).

### **Response to Jodi Hunter’s Statements**

#### **1. Denial of Reasonable Accommodation (August 16, 2024)**

Hunter asserts she denied my appeal for 100% telework because physical deployment is an “essential function,” claiming I “refused” to deploy (Affidavit, p. 3). This is false and pretextual under the *McDonnell Douglas* prima facie case: I’m disabled, over 40, qualified (via telework), and faced an adverse action.

- **No Refusal, Proven Capability:** I did not “refuse” to deploy; my disabilities limited physical deployment, a fact FEMA knew (Table 1, April 20, 2022; Chat with Cain, 4/20/2022). Table 1 (March 2020-May 2023) shows 38 months of exemplary remote work, approved by Anthony In (Chat with In, 3/19, “keep doing what you can”). On May 29, 2024, I agreed to deploy to Houston when asked by In (Chat with In, 5/23, “I’d like to assist”), but it was overruled in 9 minutes (Table 1). On July 9, 2024, despite storm damage at home (Chat with In, 7/9, “3"-4" limbs down everywhere”), I told In, “If you are able to deploy me, keep it close initially to see how things go here at home, then we can go out further,” and cited the FEMA Administrator’s call: “You Are Needed More Than Ever,” expressing frustration at FEMA’s refusal to deploy me (Chat with In, 7/9, “It is very hard to understand why”). This directly contradicts Hunter’s claim.
- **Pattern of Delays and Denials:** Table 1 documents neglect—e.g., RAR0023261 ignored for 730 days (Jan 6, 2022), RAR0042452 (endorsed by Underhill) disregarded for 886 days (Aug 4, 2022), and RAR0046767 denied after 194 days (Jan 2-Aug 16, 2024). Brasher admitted RA requests were “very far behind” (Chat with Brasher, 7/10), violating FEMA’s 45-day standard (Directive 256-022-01) and the ADA’s timely process mandate (42 U.S.C. §12112(b)(5)(A); EEOC v. Supervalu Inc., 670 F.3d 759).

- **Discrimination Evidence:** FEMA’s “deployment duties” excuse (Myers Email, Aug 16, 2024) is pretextual, as my telework success (Chat with In, 6/18, “would be great to have some work”) and repeated offers to deploy disprove refusal. Table 1 (July 10, 2024) notes Brasher’s delay admission, suggesting bias against my age and disability versus younger, non-disabled peers (Initial Submission, p. 11; Smith v. City of Jackson, 544 U.S. 228).

## 2. Termination (January 6, 2025)

Hunter claims my termination for “medical inability” was legitimate, citing my COE (10/31/2023) and implying refusal (Affidavit, p. 4). This masks retaliation.

- **Pretextual Reasoning:** I never “refused” deployment; my health precluded it, and I sought to assist despite challenges (Chat with In, 7/9, “if I can assist closeout, I’m all in”). Termination followed six months after escalating RAR0046767 (Aug 22, 2024) and 17 days after my EEO complaint (Dec 20, 2024; Table 1), violating ADA anti-retaliation provisions (42 U.S.C. §12203(a); Clark County v. Breeden, 532 U.S. 268).
- **Retaliatory Pattern:** Table 1 shows FEMA closing my 2018 complaint without investigation (Sept 21, 2018) and rejecting reassignment (Oct 30, 2024). My 4+ years of telework success and offers to deploy (Chat with In, 7/9, “keep it close initially”) refute “inability.”
- **Discrimination Evidence:** Termination after strong performance meets *McDonnell Douglas* criteria, with timing and pretext pointing to disability and age bias, despite my efforts to contribute (Chat with Brasher, 2/23, “senior citizen’s experience”).

### Pattern of Mistreatment and Legal Violations

The timeline below integrates chat evidence to illustrate FEMA’s discriminatory pattern:

**Table 1: Timeline of Key Events and Violations**

Date	Description	Evidence/Outcome
Sept 21, 2018	Filed complaint HS-FEMA-01876 for disability issues	Closed without investigation (Oct 15, 2018)
March 2020-May 2023	Exemplary remote work (38 months)	Performance reviews; In approved (Chat, 3/19)
April 20, 2022	Heart attack; notified Cain	Chat with Cain, “had a heart attack on Sunday”
Jan 6, 2022	RA request RAR0023261 for cardiovascular needs	Ignored 730 days; no response

<b>Aug 4, 2022</b>	RA request RAR0042452 endorsed by Underhill	Ignored 886 days; Underhill Email (Aug 15, 2022)
<b>Feb 23, 2023</b>	Told Brasher RA requests “never get adjudicated”	Chat with Brasher, “senior citizen’s experience”
<b>Jan 2, 2024</b>	RA request RAR0046767 for permanent telework	Denied after 194 days (Aug 16, 2024)
<b>May 23-29, 2024</b>	In asked about Houston; I agreed, overruled (9 min)	Chat with In, “I’d like to assist”; Table 1
<b>July 9, 2024</b>	Offered to deploy “close initially”; cited FEMA need	Chat with In, “You Are Needed More Than Ever”
<b>July 10, 2024</b>	Brasher: RA “very far behind”; HIPAA violation	Chat with Brasher; Clemons Email (ID #2024-MED-331)
<b>Aug 16, 2024</b>	RAR0046767 denied, citing “deployment duties”	Myers Email; Hunter Affidavit, p. 3
<b>Dec 20, 2024</b>	Filed formal EEO complaint	EEO Counselor’s Report
<b>Jan 6, 2025</b>	Terminated for “medical inability”	Termination Notice

**Table 2: Key Violations**

Violation	Details	Legal Basis
<b>ADA – No Interactive Process</b>	Delays up to 886 days (Aug 4, 2022); Brasher admits backlog (Chat, 7/10)	42 U.S.C. §12112(b)(5)(A); Barnett v. U.S. Air, 535 U.S. 391
<b>HIPAA Breach</b>	Unencrypted medical records (July 10, 2024; Chat with Brasher)	45 C.F.R. §164.312
<b>Retaliation</b>	Termination 17 days post-EEO complaint (Dec 20, 2024-Jan 6, 2025)	42 U.S.C. §12203(a); Clark County v. Breeden, 532 U.S. 268
<b>Age Bias</b>	Scrutiny at 74 despite success; “senior citizen” issues ignored (Chat, 2/23)	29 U.S.C. §623; Babb v. Wilkie, 140 S. Ct. 1168

**Table 3: Witnesses and Evidence**

Witness/Evidence	Role/Details	Contact/Relevance
<b>Jodi Hunter</b>	Denied appeal (Aug 16, 2024; Hunter Affidavit, p. 3)	Direct knowledge of denial decision
<b>Mark Underhill</b>	Endorsed RAR0042452 (Aug 15, 2022)	Evidence of ignored support
<b>Traci Brasher</b>	Admitted RA delays (Chat, 7/10, “very far behind”)	<a href="mailto:traci.brasher@fema.dhs.gov">traci.brasher@fema.dhs.gov</a> ; systemic issues
<b>Richard Cain</b>	Notified of heart attack (Chat, 4/20/2022)	Confirms FEMA’s awareness of disability
<b>Anthony In</b>	Approved telework; asked about deployment (Chat, 5/23, 7/9)	Shows willingness, not refusal

<b>Shelia Clemons</b>	Assigned RA, sent unencrypted records (Chat, 7/10; Table 1)	HIPAA violation evidence
<b>Performance Reviews</b>	Exemplary telework (2020-2023)	Proves capability despite disability
<b>Chat Logs</b>	Brasher (2/23, 7/10), In (5/23, 7/9, "You Are Needed"), Cain (4/20)	Willingness, delays, health awareness
<b>Termination Notice</b>	Jan 6, 2025, cites "medical inability"	Evidence of pretextual termination

### Conclusion

Hunter's claim that I "refused" to deploy is false; I repeatedly offered to assist (Chats with In, 5/23, 7/9, "You Are Needed More Than Ever") despite my disability, which FEMA knew (Chat with Cain, 4/20/2022). Tables 1-3 show telework success, RA delays, and retaliatory termination, violating federal law and reflecting discrimination based on my disability and age. I request a full investigation to secure my remedies (Initial Submission, p. 16).

### Signed:

/s/ MAX J MEINDL

Max J. Meindl

Date: March 25, 2025

### Witness/Investigator:

[INVESTIGATOR/WITNESS] *LaKisha Wilson* 3.28.2025

[DATE]

# TAB F-2b

Meindl Submission Office of Equal Rights

Submission to Office of Equal Rights EEO Investigator  
Re: Complaint Number HS-FEMA-02430-2024  
Submitted by: Max J. Meindl  
Date: March 5, 2025  
Contact: Bellville, TX [Contact Information Redacted per Guidelines]

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## Executive Summary

For over seven years, the Federal Emergency Management Agency (FEMA) has systematically failed to meet its legal and administrative obligations to me, Max J. Meindl, a 74-year-old Emergency Management Specialist (GS-12) with documented disabilities, including Chronic Obstructive Pulmonary Disease (COPD), coronary artery disease (CAD), hypertension, angina, arthritis, and two surgically treated heart attacks. On January 6, 2025, FEMA terminated my employment, alleging a "medical inability to perform essential functions," despite my exemplary 38-month remote work record (March 2020–May 2023). This termination, executed by Supervisory Emergency Management Specialist Anthony T. In under Acting Regional Administrator Traci Brasher, occurred within six months of escalating my Reasonable Accommodation (RA) request RAR0046767 (July 2024), suggesting retaliation as defined in *Clark County v. Breeden* (532 U.S. 268, 2001).

This submission details FEMA's systemic violations, including:

- Protracted Delays: RA requests unresolved for up to 1,215 days, exceeding FEMA Directive 256-022-01's 45-day standard.
- HIPAA Noncompliance: Unsecured medical record transmission on July 10, 2024 (45 C.F.R. §164.312).

- Neglect of Interactive Process: Ignoring supervisory endorsement from Mark Underhill (August 15, 2022), violating ADA Title I (42 U.S.C. §12112(b)(5)(A)).
  - Retaliatory Conduct: Termination following protected RA activities (Rehabilitation Act §501, 29 U.S.C. §791).
  - Age Discrimination: Excessive scrutiny despite strong performance, violating ADEA (29 U.S.C. §623).
  - FMLA Misapplication: Incorrect denial of intermittent leave (29 C.F.R. §825.202).
  - Supervisory Failures: Brasher and In neglected corrective action despite known issues (FEMA Directive 123-0-2-1).
- 

## Chronology of Pertinent Events

### Detailed Timeline

The following timeline integrates personal records, correspondence, and the EEO Counselor's Report:

Date	Description	Evidence/Outcome
Sept 21, 2018	Filed harassment complaint HS-FEMA-01876 for disability-related mistreatment.	Closed without investigation (Oct 15, 2018).
Nov 26, 2018	Submitted RA request RAR001234 for episodic telework.	Denied by Jamie McAllister (Dec 10, 2018), no interactive process.
June 26, 2019	Supervisor Dennis Alexander denied FMLA intermittent leave, misstating eligibility.	Email, June 26, 2019.
March 4, 2020	Voiced retaliation concerns to HR: "I don't want to seem like a scare monger or get on leadership's bad boy list."	Email to HR.
March 2020–May 2023	Performed exemplary remote work.	Performance reviews; personal notes.

Sept 21, 2021	Filed RA request RAR0017691 for disability-based COVID-19 vaccine exemption.	Misclassified as religious, delayed 87 days (Dec 17, 2021).
Oct 28, 2021	Submitted RA requests RAR0023025 (telework for cardiovascular issues) and RAR0023278 (religious exemption).	Unresolved for 1,195 days; no response.
Jan 6, 2022	Filed RA request RAR0023261 for cardiovascular needs.	Ignored for 730 days; no response.
April 20, 2022	Suffered heart attack; informed Supervisor Richard Cain: "Will be off this week... healing and recovery."	Email, April 20, 2022.
Aug 4, 2022	Submitted RA request RAR0042452 for permanent telework; endorsed by Mark Underhill.	RA Form; Underhill Email, Aug 15, 2022 (ignored by FEMA).
Jan 2, 2024	Filed RA request RAR0046767 for permanent telework.	RA Form.
May 29, 2024	Discussed deployment with Anthony T. In; Houston proposal overruled within nine minutes.	Personal notes; Email to FEMA-OCR-EEO, Aug 22, 2024.
July 10, 2024	Traci Brasher admitted RA delays: "They are very far behind on RA requests!"; Shelia Clemons sent unencrypted medical records.	Teams Log; Clemons Email, ID #2024-MED-331.
Aug 16, 2024	EEO Specialist Anna Myers denied RAR0046767, citing "deployment duties."	Email from Myers.
Sept 3, 2024	Contacted EEO counselor; interviewed Sept 18, 2024.	EEO Counselor's Report.
Oct 17, 2024	Retained attorney Brent Smith; mediation attempted Oct 15–Dec 4, 2024 (failed due to FEMA resistance).	Personal records.
Dec 20, 2024	Filed formal EEO complaint.	EEO Counselor's Report.
Jan 6, 2025	Terminated for "medical inability."	Termination Notice.

Table 1: Reasonable Accommodation Requests and Initial Violations

RA Number	Request Date	Type	Status (Jan 6, 2025)	Days Open	Violations	Evidence
RAR001234	Nov 26, 2018	Episodic telework	Denied	N/A	No interactive process	McAllister Denial, Dec 10, 2018
RAR0017691	Sept 21, 2021	Vaccine exemption	Closed	1,215	Misclassification, 87-day delay	RA Form; Response, Dec 17, 2021

RAR0023025	Oct 28, 2021	Telework (cardiovascular)	Closed	1,195	No follow-up, denied despite success	Denial, Jan 15, 2022
RAR0023278	Oct 28, 2021	Religious exemption	Closed	1,195	No follow-up	RA Form; No Response
RAR0023261	Jan 6, 2022	Cardiovascular needs	Unresolved	730	Ignored, exceeds 45-day standard	RA Form; No Response
RAR0042452	Aug 4, 2022	Permanent telework	Open	886	Disregarded supervisory endorsement	RA Form; Underhill Email, Aug 15, 2022
RAR0046767	Jan 2, 2024	Permanent telework	Denied	369	194-day delay, breach of privacy	RA Form; Myers Email, Aug 16, 2024; Clemons Email

Table 2: Supervisory Actions and Omissions

Supervisor	Date	Action/Inaction	Violation	Evidence
Jamie McAllister	Dec 10, 2018	Denied RAR001234 without process	No interactive process	Denial Letter
Dennis Alexander	June 26, 2019	Misapplied FMLA	FMLA violation	Email, June 26, 2019
Mark Underhill	Aug 15, 2022	Endorsed RAR0042452; FEMA ignored	Interactive process failure	Email, Aug 15, 2022
Traci Brasher	July 10, 2024	Acknowledged RA delays, took no action	Supervisory negligence	Teams Chat
Anthony T. In	May 29, 2024	Proposed Houston deployment, overruled in 9 min	Supervisory inaction	Email to FEMA-OCR-EEO, Aug 22
Shelia Clemons	July 10, 2024	Transmitted unencrypted records	HIPAA violation	Email, ID #2024-MED-331
Anna Myers	Aug 16, 2024	Denied RAR0046767, cited deployment duties	Retaliation, process failure	Email from Myers

## Legal and Administrative Transgressions

Transgression	Violation	Evidence	Legal Basis
1. Protracted Processing Delays	RA requests unresolved up to 1,215 days, exceeding FEMA's 45-day standard (Directive 256-022-01).	Table 1; FY 2020 AAP (47-day average).	EEOC v. Supervalu Inc., 670 F.3d 759
2. HIPAA Compliance Failures	Unencrypted medical records sent July 10, 2024.	Clemons Email, ID #2024-MED-331.	HIPAA Security Rule (45 C.F.R. §164.312)
3. Neglect of Interactive Process	Ignored Underhill's endorsement of RAR0042452.	Underhill Email, Aug 15, 2022.	ADA Title I (42 U.S.C. §12112(b)(5)(A)); Barnett v. U.S. Air, 535 U.S. 391
4. Retaliatory Termination	Termination six months after escalating RAR0046767.	Termination Notice; Email, Aug 22, 2024.	Rehabilitation Act §501 (29 U.S.C. §791); Clark County v. Breeden, 532 U.S. 268
5. Age-Based Discrimination	Excessive scrutiny at age 74 despite strong performance.	Performance Review, March 15, 2020.	ADEA (29 U.S.C. §623); Babb v. Wilkie, 140 S. Ct. 1168
6. FMLA Misapplication	Denied intermittent leave in 2019.	Email, June 26, 2019.	29 C.F.R. §825.202
7. Supervisory Negligence	Brasher and In failed to address known delays.	Teams Chats, July 8–10, 2024.	FEMA Directive 123-0-2-1 (§D.2.k)

## Significant Communications

Date	Communication Details	Significance
March 4, 2020	Email to HR: "I don't want to seem like a scare monger..."	Early retaliation concerns.
July 9, 2024	Teams (In): "Talked to Region, waiting for guidance"	Acknowledged issues, no action taken.
July 10, 2024	Teams (Brasher): "They are very far behind on RA requests!"	Admission of systemic RA delays.

Aug 16, 2024	Email (Myers): "Management has denied... citing deployment duties"	Denial despite remote success, hints at retaliation.
Aug 22, 2024	Email to FEMA-OCR-EEO: "Ignored, abused, dismissed"	Captures FEMA's neglect and claimant's distress.

Complaint Number HS-FEMA-02430-202, Submitted by: Max Meindl

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# TAB F-3

Affidavit of RMO, Anthony In

## **Affidavit of Witness (Insert Name)**

I, [Anthony In], County of [COUNTY] am an [ X ] employee of [ ] applicant to [ ] former employee of the U.S. Department of Agriculture.

[AGENCY]

[COUNTY OF AGENCY]

[OFFICE]

[DIVISION]

### **PUBLIC ASSISTANCE BRANCH**

Located in [CITY, STATE]

In the capacity of [Emergency Management Specialist, GS-13 between [DATE] and [DATE]

My telephone number during working hours is [PHONE NUMBER]

### **I HAVE BEEN ADVISED OF THE FOLLOWING:**

I have an obligation to cooperate fully with the investigator, who has been assigned to conduct a thorough and impartial investigation of my complaint of discrimination. Therefore, I must provide a statement for the investigative record which is true and complete to the best of my knowledge and belief and which fully addresses the issues accepted for investigation. My statement must be specific with regard to names, dates, places, circumstances, and related events, and disclose my firsthand knowledge of any information which is directly related to the issue(s). My statement, along with my Informal Complaint, Counselor's Summary Report, my Formal Complaint and the description of the issues for investigation shall serve as the basis for the investigation. While I may voluntarily submit any additional documents or information to the investigator for consideration, it will be the investigator's responsibility to determine what evidence shall actually become part of the investigative report. If there are any documents or facts which substantiate my allegations, I must provide them to the investigator or make them known to the investigator. I may suggest witnesses to be interviewed by the investigator. However, the investigator will decide which witnesses to interview based on relevant information he or she feels will be furnished.

My statement is made under oath (or affirmation) without a pledge of confidentiality; in accordance with the rules, regulations, policies and procedures of the Equal Employment Opportunity Commission and the Department of Agriculture. This means that any employee(s) whom I accuse of discrimination or other acts of impropriety may be shown relevant portions of this statement and be given an opportunity to respond. Agency officials responsible for processing complaints of discrimination will have access to the entire investigative report. If discrimination is found, any employee accused of discrimination will have an opportunity to review the report in

its entirety without deletions. Participants in the discrimination complaint process are specifically protected by law and the EEO regulations from any acts of reprisal, discrimination, coercion, harassment, restraint, or interference for their participation in the investigation and other phases of complaint processing.

I have the right to be represented by a person of my choice during presentation of complaint and preparation of my statement (so long as my choice does not result in a conflict of interest). I have [ ] have not [ ] chosen a personal representative at this stage of my complaint. In the event I have not chosen a representative but obtain a representative at a later date, I will advise the investigator and the Director of Civil Rights in writing.

I have the right to review my statement prior to signing it and may make initial corrections if it is incomplete or inaccurate. I have a right to receive a copy of the signed statement. Having reviewed the preceding information with the investigator, I solemnly swear [ ] affirm [ ] that the statement that follows is true and complete to the best of my knowledge and belief and fully addresses the issues and allegations raised by me in my EEO complaint.

**Questions for Witness:**

1. What is your name, position, title, series, and grade? Anthony In, Supervisory Emergency Management Specialist, GS-13
2. Are you employed by FEMA? Yes
3. How long have you been employed with FEMA? 9 Years
4. How long have you held your current position? 4 Years
5. Who is your first line and second line supervisor? Please provide title and contact information. Jodi Hunter
6. How long have you been under their supervision? 4 Years
7. Are you aware of the agency's policy on discrimination? Yes
8. Are you aware of the agency's policy on anti-harassment? Yes
9. When did you most recently complete No Fear Act training? Yes
10. How do you know Complainant? Under my supervision
11. How would you describe your working relationship with him? Normal
12. For the record, what is your age? 51
13. Have you been involved in any EEO activity? If so, in what capacity? Yes,
14. Were you aware of Complainant's EEO activity? No
15. If so, how did you become aware?

**Whether Complainant, Emergency Management Specialist, (Applicant), of Bellville,**

**TX was discriminated against based on disability (physical) and age (1951) by management when the following incidents occurred:**

**1. On August 16, 2024, Complainant's Reasonable Accommodation request was denied.**

16.What direct knowledge do you have regarding management denying the Complainant's Reasonable Accommodation request on August 16, 2024? Informed by RA that he was denied and I issued the denial letter. He was unable to perform the essential functions of his duties. The RA Department tried to identify a position that would match his criteria. If the program could not identify his position that matched his criteria then he would be terminated. Therefore on January 6, 2025, he was issued a letter of termination

17. Did Complainant speak with you about this matter? No

18. If so, when and what was discussed?

19. Do you believe that Complainant's age and physical disability were factors in the Complainant being denied their Reasonable Accommodation request on August 16, 2024? No

20.Is there anyone else that you think we should speak with that may have direct knowledge of this matter? Jodi Hunter, R6 Leadership

21.If so, who and what information might they have? Please provide contact information. regarding his RA

22.Is there anything else that you care to add? No

**Whether Complainant, Emergency Management Specialist, (Applicant), of Bellville, TX was discriminated against based on disability (physical) and age (1951) by management when the following incidents occurred:**

**2. On January 6, 2025, Complainant was terminated**

23. What direct knowledge do you have regarding management terminating the Complainant based on age and physical disability?Informed by LER and I issued him The termination letter. The reasons for terminating the Complainant, because he could not perform the essential functions of his job.

24. Did Complainant speak with you about this matter? No

25. If so, when and what was discussed?

26. Do you believe that age and physical disability were factors in management requesting the Complainant be terminated on January 6, 2025? No

27. Is there anyone else that you think we should speak with that may have direct knowledge of this matter? Jodi Hunter, and R6 Leadership

28. If so, who and what information might they have? Please provide contact information. Termination

29. Is there anything else that you care to add? No

I have reviewed this statement, which consists of [#] pages and hereby solemnly swear (or affirm) that it is true and complete to the best of my knowledge and belief. I understand that the information I have given will not be held confidential and may be shown to the interested parties as well as made a permanent part of the Record of Investigation.

Anthony IN *Anthony In*  
[AFFIANT]

3/3/2025  
[DATE]

Signed on this day 14 of March, 2025

Lakisha Wilson  
[INVESTIGATOR/WITNESS]

## **Affidavit of Responsible Management Official (Anthony In)**

I, [NAME], County of [COUNTY] am an [ ] employee of [ ] applicant to [ ] former employee of Federal Emergency Management Agency.

[AGENCY]

[COUNTY OF AGENCY]

[OFFICE]

[DIVISION]

[BRANCH]

Located in [CITY, STATE]

In the capacity of [ORGANIZATION TITLE AND CLASSIFICATION/GRADE] between [DATE] and [DATE]

My telephone number during working hours is [PHONE NUMBER]

### **I HAVE BEEN ADVISED OF THE FOLLOWING:**

I have an obligation to cooperate fully with the investigator, who has been assigned to conduct a thorough and impartial investigation of my complaint of discrimination. Therefore, I must provide a statement for the investigative record which is true and complete to the best of my knowledge and belief and which fully addresses the issues accepted for investigation. My statement must be specific with regard to names, dates, places, circumstances, and related events, and disclose my firsthand knowledge of any information which is directly related to the issue(s). My statement, along with my Informal Complaint, Counselor's Summary Report, my Formal Complaint and the description of the issues for investigation shall serve as the basis for the investigation. While I may voluntarily submit any additional documents or information to the investigator for consideration, it will be the investigator's responsibility to determine what evidence shall actually become part of the investigative report. If there are any documents or facts which substantiate my allegations, I must provide them to the investigator or make them known to the investigator. I may suggest witnesses to be interviewed by the investigator. However, the investigator will decide which witnesses to interview based on relevant information he or she feels will be furnished.

My statement is made under oath (or affirmation) without a pledge of confidentiality; in accordance with the rules, regulations, policies and procedures of the Equal Employment Opportunity Commission and Federal Emergency Management Agency. This means that any employee(s) whom I accuse of discrimination or other acts of impropriety may be shown relevant portions of this statement and be given an opportunity to respond. Agency officials responsible for processing complaints of discrimination will have access to the entire investigative report. If discrimination is found, any employee accused of discrimination will have an opportunity to

Initials \_\_\_\_\_

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Page 1 of 4

review the report in its entirety without deletions. Participants in the discrimination complaint process are specifically protected by law and the EEO regulations from any acts of reprisal, discrimination, coercion, harassment, restraint, or interference for their participation in the investigation and other phases of complaint processing.

I have the right to be represented by a person of my choice during presentation of complaint and preparation of my statement (so long as my choice does not result in a conflict of interest). I have [ ] have not [ ] chosen a personal representative at this stage of my complaint. In the event I have not chosen a representative but obtain a representative at a later date, I will advise the investigator and the Director of Civil Rights in writing.

I have the right to review my statement prior to signing it and may make initialed corrections if it is incomplete or inaccurate. I have a right to receive a copy of the signed statement. Having reviewed the preceding information with the investigator, I solemnly swear [ ] affirm [ ] that the statement that follows is true and complete to the best of my knowledge and belief and fully addresses the issues and allegations raised by me in my EEO complaint.

### **Questions for RMO**

1. What is your name, position, title, series, and grade? Anthony In, Supervisory EMS, GS-13
2. Are you employed by FEMA? Yes
3. How long have you been employed with FEMA? 9 Years
4. How long have you held your current position? 4 Years
5. Who is your first line and second line supervisor? Please provide title and contact information. Jodi Hunter, for 4 years
6. Are you aware of the agency's policy on discrimination? Yes
7. Are you aware of the agency's policy on anti-harassment? Yes When was the last time you took harassment training:
8. When did you most recently complete No Fear Act training? Yes
9. For the record, what is your age and do you have a disability ? 51
10. How do you know Complainant? Under my supervision
11. How would you describe your working relationship with him? Normal
12. What are the essential functions of the Complainant's position Deployed to support the event and provide grand support to applicants.
13. Were you aware of Complainant's age? No
14. If so, how'd you become aware?
15. Did you subject the Complainant to discrimination based on age and physical disability? No
16. What actions, if any were taken by management, including an investigation in Complainant's discrimination was conducted? No

**Whether Complainant, Emergency Management Specialist, (Applicant), of Bellville, TX was discriminated against based on disability (physical) and age (1951) by management when the following incidents occurred:**

**1. On August 16, 2024, Complainant's Reasonable Accommodation request was denied.**

17. Are you the management official who failed to accommodate the Complainant's Reasonable Accommodation request on August 16, 2024? No
18. If so, please explain your reason for doing so.
19. If not, are you aware of who may have done so? See the below of the OCC and RA staffs, and LER
20. Are you aware of the reasons behind the failure to accommodate the Complainant's request to be denied on August 16, 2024? Yes
21. Who was responsible for processing the Complainant's reasonable accommodation request? See attached
22. What reasonable accommodation did the Complainant request? See attached
23. How and to whom did the Complainant submit their request for a reasonable accommodation? Through the agency website
24. Did the Complainant properly submit the reasonable accommodation request? Unknow
25. When did the Complainant submit the request for a reasonable accommodation? See attached
26. What is the agency's policy on responding to and processing reasonable accommodation requests in a timely manner? Was this policy followed? See attached
27. How long should it take to process a request for a reasonable accommodation? N/A
28. Have any of the Complainant's reasonable accommodation requests been approved. If so, what were the circumstances? N/A
29. Did you consult with anyone else in management, human resources or employee relations concerning this issue? See attached
30. If so, whom did you consult?
31. If so, when and what was discussed?
32. If so, what response did you receive?
33. Did the Complainant's disability play a role in management's decision to deny his reasonable accommodation request? No
34. Was the Complainant treated fairly and consistent with the Agency's policy and procedures? See attached
35. Is there anyone else you would like us to speak with that might have direct knowledge of this incident? See below
36. If yes, please provide names and contact information as well as the direct knowledge they might provide.
37. Is there anything else you would care to add? No

**Whether Complainant, Emergency Management Specialist, (Applicant), of Bellville, TX was discriminated against based on disability (physical) and age (1951) by management when the following incidents occurred:**

## **2. On January 6, 2025, Complainant was terminated**

38. Why was Complainant terminated on January 6, 2025? see above, Final Agency denial and Final Notice of Termination of Appointment .
39. What was your role in this action? see attachment
40. Who else was involved in Complainant's termination? Jodi Hunter
41. Was Complainant fully qualified for his position? yes,
42. What were the requirements of Complainant's position? see attachment
43. Was Complainant fully meeting these requirements? no
44. If not, please discuss, including actions took to improve his performance.
45. Had Complainant been counseled for performance issues during his
  
46. If so, what was he counseled for?
47. Were others treated differently who were not members in the Complainant's protected class? If so, please name and explain why.
48. Did Complainant's age and/or physical disability have anything to do with your actions in this matter? no
49. In the past two years, who else have you terminated annotated by name, age and physical disability.
50. Do you have any witnesses to support your contentions in this matter?  
Jodi Hunter
51. Identify by name, title, email, and nature of information to be provided.

I have reviewed this statement, which consists of [#] pages and hereby solemnly swear (or affirm) that it is true and complete to the best of my knowledge and belief. I understand that the information I have given will not be held confidential and may be shown to the interested parties as well as made a permanent part of the Record of Investigation.

Anthony In *Anthony In*

[AFFIANT]

4/16/2025

[DATE]

Signed on this day 16 of April, 2025

*Lakisha Wilson*

[INVESTIGATOR/WITNESS]

Initials \_\_\_\_\_

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# TAB F-3a

Management Response for Reasonable Accommodation

## **MANAGEMENT RESPONSE TO REQUEST FOR REASONABLE ACCOMMODATION**

11. Request for Reasonable Accommodation (check one):		<input type="checkbox"/> Granted	<input type="checkbox"/> Interim/Alternate Granted (Provide comments in number 16)
<input type="checkbox"/> Denied (if denied, answer questions in number 13 )			
12. Applicant's/Employee's Name			
13. Request for Reasonable Accommodation Denied Because (May check more than one box):			
<input type="checkbox"/> Accommodation Ineffective			
<input type="checkbox"/> Accommodation Would Cause Undue Hardship		<input type="checkbox"/> Accommodation Would Require Removal of an Essential Function of the job	
<input type="checkbox"/> Medical Documentation Inadequate		<input type="checkbox"/> Accommodation Would Require Lowering of Performance or Production Standard	
<input type="checkbox"/> Other (Please identify):			
14. Detailed reason(s) for the denial of reasonable accommodation (Must be specific, e.g., why accommodation is ineffective or causes hardship):			
15. If the individual proposed one type of reasonable accommodation which is being denied, but rejected an offer of a different type of reasonable accommodation, explain both the reason for the denial of the requested accommodation and why you believe the chosen accommodation would be effective:			
16. Comments			
17. If an individual wishes to request reconsideration of this decision, she/he must take the following steps:			
<ul style="list-style-type: none"> <li><input type="radio"/> An employee may appeal directly to his/her Second Level Supervisor. The employee may present additional information in support of his/her request.</li> <li><input type="radio"/> An applicant may appeal directly to the Disability Employment Program Manager of the Office of Equal Rights. The applicant may present additional information in support of his/her request.</li> </ul>			
18. If an individual wishes to file an EEO Complaint, or to pursue MSPB or union grievance procedures, she/he must take the following steps:			
<ul style="list-style-type: none"> <li><input type="radio"/> For an EEO complaint pursuant to 29 C.F.R. 1614, contact an EEO Counselor in the Office of Equal Rights within 45 days from the date of this denial of reasonable accommodation; or</li> <li><input type="radio"/> For a collective bargaining claim, file a written grievance in accordance with the provisions of the Collective Bargaining Agreement; or</li> <li><input type="radio"/> Initiate an appeal to the Merit Systems Protection Board within 30 days of an appealable adverse action as defined in 5 C.F.R. 1201.3</li> </ul>			
19. Name Of Deciding Official	20. Signature Of Deciding Official	21. Date	

**1 Copy of this form must be provided to the employee or applicant who made the request.  
1 Copy of this form must be provided to the Disability Employment Program Manager of the Office of Equal**

# TAB F-3b

Final Notice of Termination of Appointment  
Accommodation Accommodation



FEMA

January 06, 2025

MEMORANDUM FOR: Max J. Meindl  
Emergency Management Specialist - CORE  
Region 6  
Recovery Division

FROM: Anthony In **ANTHONY T IN**  
Supervisory Emergency Management Specialist  
Region 6  
Recovery Division

SUBJECT: Notice of Termination of Appointment

Digitally signed by ANTHONY T IN  
Date: 2025.01.06 12:40:35 -06'00'

This memorandum notifies you that your appointment as a Cadre of On-Call/Response/Recovery Employee (CORE), Emergency Management Specialist, IC-0089-12, Region 6, Recovery Division, Federal Emergency Management Agency (FEMA), and the Federal service is terminated effective January 06, 2025. This action is based on the following charge:

**Charge 1: Inability to Perform (As a result of a Medical Condition)**

**Specification 1:** The medical evidence shows that you have hypertension, coronary artery disease with dyspnea on exertion, angina, arthritis of knees, and unable to function well on uneven ground, nor able to walk short distances. Because of these medical conditions, you are unable to travel as your position demands.

**BACKGROUND**

In a medical certificate dated December 27, 2023, your physician, C. Christope Gay, MD, stated that you have been his patient for 5 years and are being treated for several significant and chronic illnesses, to include hypertension and coronary artery disease with dyspnea on exertion. He also stated that the significant and chronic illnesses restrict you from being on site and impairs your ability to travel from home safely. Additionally, the Medical Inquiry in Response to a Disability Accommodation Request completed by C. Christope Gay, MD, PA, provided additional diagnosis of angina, arthritis of knees and limitations of chest pain and dyspnea with exertion and unable to function well on uneven ground, nor able to walk short distances.

On January 2, 2024, you submitted a Reasonable Accommodation request for 100% remote/virtual telework to the Office of Civil Rights (formally Office of Equal Rights) due to you experiencing considerable medical challenges that are impacting your ability to travel to and work from a traditional work environment effectively. Your current role as an Emergency Management Specialist, Program Delivery Task Force Leader (PD TFL), has not been designed

for telework. Specifically, your Position Description states that frequent Temporary Duty (TDY) travel is required and that “The work is normally performed in an office setting. However, this position requires that the incumbent train, maintain a state of readiness, and be deployed into the possible high-risk environment of a disaster site. Conditions in some disaster environments may include irregular diet or rations; limited rest; uncomfortable sleeping conditions; extensive overtime; an environment with unsanitary conditions; and related risks, such as reoccurrence of the disaster event (e.g., general hazards, or additional flooding). Travel may be required on short notice, during poor conditions. Extreme caution must be exercised to assure personal safety, as well as safety of co-workers and members of the public who look to the employee for guidance.”

On September 5, 2024, the Talent Recruitment & Acquisition Division of the Office of the Chief Human Capital Officer initiated a reassignment search process to identify a funded, vacant position within FEMA and other DHS components. On October 30, 2024, the Talent Recruitment & Acquisition Division informed you there were no vacant positions for which you were minimally qualified, and FEMA had exhausted all efforts to accommodate you through the reasonable accommodation process resulting in the denial of your request. Accordingly, the search concluded. On November 26, 2024, you were issued an official denial letter that determined that, based on all the information known to the agency after conducting an individualized assessment of the relevant circumstances, to include the essential functions of the specific job and the requested accommodation(s), that the requested accommodation would require the agency to fundamentally change the nature of the position.

Since you cannot perform the essential functions of your current position as an Emergency Management Specialist with the Recovery Division, Region 6, or any vacant position for which you are qualified with the Federal Emergency Management Agency (FEMA), with or without reasonable accommodation, you are subject to removal for medical inability.

While I am concerned about your personal situation, health, and well-being, I have an obligation to ensure that the work in this office is completed in a timely and efficient way. The position you occupy needs to be filled by an employee who can perform the essential functions of the position on a regular, full-time basis. As there is no foreseeable end to your inability to perform the essential functions of your position, and to promote the efficiency of the service, it is necessary to move forward with your removal.

## **Determination**

In determining the appropriate conclusion to impose regarding this matter, the following factors were taken into consideration.

1. I considered that you are incapable of performing the duties of your position as an Emergency Management Specialist, IC-0089-12, due to your documented medical conditions.
2. I considered that you signed the Conditions of Employment that states that you “understand that I may be assigned to perform my disaster-related duty. Irrespective of my position description, based on the needs of the operational situation, and I must be ready to deploy

“wherever the Agency needs my services within 24 -48 hours of notification” on October 31, 2023.

3. I do not believe that there are any alternative or lesser actions that would enable you to perform your duties, and the decision to remove you from your position is adequate and in the best interest of the Agency.

You must turn in all Government-issued equipment, including but not limited to cellular phones, laptop computers, keys, credentials, access or identification cards, Government travel credit/charge card (cut credit card in half), and any FEMA office files or back-up (key drives/discs) computer files you have in your possession no later than close of business on January 10, 2025.

### **Employee Rights**

Because you were appointed to a position under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended, your appointment is excluded from the provisions of Title V. FEMA is extending to you the opportunity to appeal this decision to Supervisory Emergency Management Specialist, Jodi Hunter. If you wish to appeal this decision you may do so in writing no later than 5:00 p.m. on the fifth calendar day after you receive this notice. Your appeal must be sent to Ms. Hunter **through** Talease Hughes-Harris, Labor and Employee Relations Specialist via email at [talease.hughesharris@fema.dhs.gov](mailto:talease.hughesharris@fema.dhs.gov). Ms. Hunter will issue a final decision.

If you wish to allege this action was the result of prohibited discrimination based on race, color, religion, sex, national origin, disability, age, genetic information, or reprisal, you may file a discrimination complaint with the FEMA Office of Equal Rights. To file a complaint with the FEMA Office of Equal Rights, you must contact a counselor within 45 days of the effective date of this action. Your complaint should be sent in writing to: Office of Equal Rights, 500 C Street SW, 4th Floor, Washington, DC, 20472-3505. You can reach a member of the Equal Rights staff at (202) 646-3535.

### **Federal Benefits**

The Retirement and Benefits branch is available to answer any questions you may have concerning retirement and your Federal benefits. Please contact the Retirement and Benefits Branch at [FEMA-HC-BENEFITS@FEMA.DHS.GOV](mailto:FEMA-HC-BENEFITS@FEMA.DHS.GOV).

### **Employee Assistance Program**

If you would like to talk with an Employee Assistance Program (EAP) Counselor about this matter or any personal and/or work-related matter, a counselor can be reached at 1-800-222-0364. You do not have to pay a fee to use the service. However, if the counselor refers you outside the program and if any costs are incurred, those costs are your responsibility. Consultations with a Counselor

are strictly confidential- the Counselor cannot release information about you to anyone, without your permission. This is a voluntary program - meaning you cannot be ordered to contact a Counselor.

If you have any questions concerning this notice, please contact Talease Hughes Harris, Office of the Chief Component Human Capital Officer, Employee Services Division, Labor and Employee Relations Branch at [talease.hughesharris@fema.dhs.gov](mailto:talease.hughesharris@fema.dhs.gov) or (202) 706-3540.

cc:  
Talease Hughes-Harris, LER

#### **Acknowledgement of Receipt**

*You are requested to sign and date the acknowledgment copy of this memorandum as evidence that you have received it. Your signature does not indicate that you agree or disagree with the contents of this memorandum. However, your failure to sign the acknowledgment copy will not void the contents of this memorandum.*

---

Max J. Meindl

DATE

---

# TAB F-3c

Anthony In FEKC Transcript

## All Training

[Close Window](#) | [Print](#)

Current Date: 2/12/2025 ANTHONY IN

Title	Type	Status	Score	Start Date	Completion Date	Expiration Date	Credits
DHS IED Awareness and Safety Procedures	Online	Completed	100.00	3/14/2016	3/14/2016		0.03 Continuing Education Unit
Active Shooter - Violence in the Workplace (179)	Classroom	Completed		9/26/2018	9/26/2018		1.03 Continuing Education Unit
Active Shooter - Violence in the Workplace (520)	Classroom	No Show		5/23/2019			
Annual Ethics Training for Confidential Financial Disclosure (OGE 450) Filers – 2022	Online	Completed		1/28/2022	1/28/2022		0.03 Continuing Education Unit
Annual Ethics Training for Confidential Financial Disclosure (OGE 450) Filers – 2023	Online	Completed		1/30/2023	1/30/2023		0.03 Continuing Education Unit
Annual Mandatory Independent Study Courses Bundle	Bundle	Satisfied		4/13/2020	12/23/2020		
Annual Mandatory Training Bundle	Bundle	Satisfied		7/6/2020	10/19/2020		
Briefing - Security (102)	Classroom	Completed		9/27/2021	9/27/2021		
Building a Leadership Development Plan	Online	Started		6/21/2019			

Title	Type	Status	Score	Start Date	Completion Date	Expiration Date	Credits
Civil Treatment for Leaders (CTLGov) (62)	Classroom	Completed	100.00	10/22/2020	10/22/2020		0.03

# TAB F-4

Affidavit of RMO, Jodi Hunter

## **Affidavit of RMO (Jodi Hunter)**

I, [Jodi Hunter], County of [Denton] am an [X ] employee of [ ] applicant to [ ] former employee of the U.S. Department of Agriculture.

[FEMA]

[Region 6, Denton, TX]

[Recovery Division/Public Assistance (PA) Branch]

Located in [Denton, TX]

In the capacity of Deputy PA Branch Chief/IC14/ from 2021 to present

My telephone number during working hours is [202-679-5809]

I HAVE BEEN ADVISED OF THE FOLLOWING:

I have an obligation to cooperate fully with the investigator, who has been assigned to conduct a thorough and impartial investigation of my complaint of discrimination. Therefore, I must provide a statement for the investigative record which is true and complete to the best of my knowledge and belief and which fully addresses the issues accepted for investigation. My statement must be specific with regard to names, dates, places, circumstances, and related events, and disclose my firsthand knowledge of any information which is directly related to the issue(s). My statement, along with my Informal Complaint, Counselor's Summary Report, my Formal Complaint and the description of the issues for investigation shall serve as the basis for the investigation. While I may voluntarily submit any additional documents or information to the investigator for consideration, it will be the investigator's responsibility to determine what evidence shall actually become part of the investigative report. If there are any documents or facts which substantiate my allegations, I must provide them to the investigator or make them known to the investigator. I may suggest witnesses to be interviewed by the investigator. However, the investigator will decide which witnesses to interview based on relevant information he or she feels will be furnished.

My statement is made under oath (or affirmation) without a pledge of confidentiality; in accordance with the rules, regulations, policies and procedures of the Equal Employment Opportunity Commission and DHS/FEMA. This means that any employee(s) whom I accuse of discrimination or other acts of impropriety may be shown relevant portions of this statement and be given an opportunity to respond. Agency officials responsible for processing complaints of discrimination will have access to the entire investigative report. If discrimination is found, any employee accused of discrimination will have an opportunity to review the report in its entirety without deletions. Participants in the discrimination complaint process are specifically protected by law and the EEO regulations from any acts of reprisal, discrimination, coercion, harassment, restraint, or interference for their participation in the investigation and other phases of complaint processing.

I have the right to be represented by a person of my choice during presentation of complaint and preparation of my statement (so long as my choice does not result in a conflict of interest). I have [ x ] have not [ ] chosen a personal representative at this stage of my complaint. In the event I have not chosen a representative but obtain a representative at a later date, I will advise the investigator and the Director of Civil Rights in writing.

I have the right to review my statement prior to signing it and may make initial corrections if it is incomplete or inaccurate. I have a right to receive a copy of the signed statement. Having reviewed the preceding information with the investigator, I solemnly swear [ x affirm [ ] that the statement that follows is true and complete to the best of my knowledge and belief and fully addresses the issues and allegations raised by me in my EEO complaint.

**Questions for Witness:**

1. What is your name, position, title, series, and grade? Jodi Hunter, PA Deputy Branch Chief, - Field Staff, IC14
2. Are you employed by FEMA? Yes
3. How long have you been employed with FEMA? 15+ years
4. How long have you held your current position? 4 Years
5. Who is your first line and second line supervisor? Please provide title and contact information. Don Simko, PA Branch Chief, Arsany Thomas Director
6. Are you aware of the agency's policy on discrimination? Yes
7. Are you aware of the agency's policy on anti-harassment? Yes When was the last time you took harassment training?
8. When did you most recently complete No Fear Act training? Last year
9. For the record, what is your age and do you have a disability? 62/yes
10. How do you know Complainant? He worked for field staff
11. How would you describe your working relationship with Complainant? I really didn't work with him much so, good.
12. What are the essential functions of Complainant's position? the essential function of physical deployment to support disasters
13. Were you aware of Complainant's age? He says he is a senior citizen. I know his age from the eeo and appeals
14. If so, how'd you become aware? From one of his responses
15. Did you subject the Complainant to discrimination based on age and physical disability? No
16. What actions, if any were taken by management, including an investigation in Complainant's harassment was conducted? I don't know about any harassment. He was terminated because he could not perform the essential functions of the job. He could not and would not physically deploy.

**Whether Complainant, Emergency Management Specialist, (Applicant), of Bellville, TX was discriminated against based on disability (physical) and age (1951) by management when the following incidents occurred:**

**1. On August 16, 2024, Complainant's Reasonable Accommodation request was denied.**

17. Are you the management official that denied the Complainant's Reasonable Accommodation request on August 16, 2024? Yes, I denied the appeal. his first line supervisor, Anthony In issued the denial letter with the assistance from Reasonable Accommodations.
18. If so please explain your reason for doing so? He refused to physically deploy which is an essential function of the job
19. If not, are you aware of who may have done so?
20. Are you aware what prompted the Complainant's request to be denied on August 16, 2024?  
The Complainant submitted the RA request to his supervisor of record via the portal, Anthony In. There was an appeal regarding his Reasonable Accommodation request, as he was unable to travel and had asked for 100% telework. The position required travel and deployment to disaster areas. The job that Max Meindl accepted was an IC-12 position. The position required travel for 300+ days, and deployment to disaster areas were the essential functions of the role. Although, he stated that he was unable to travel, the position required it. If the job required travel and deployment to disaster areas, how can perform the job. He had one year to apply to another job and he chose not to apply. Even his former position, IC-11 became available, and he still did not even apply to his previous job. If he can't do the job, that is problematic. He was told by his supervisory of record, Anthony In what the expectations were for the job.
21. Who was responsible for processing the Complainant's reasonable accommodation request? Supervisor of Record, Anthony In.
22. What was the reasonable accommodation request that was made by the Complainant? He requested 100% telework.
23. How and to whom did the Complainant make the request for a reasonable accommodation? Supervisor of record, Anthony In.
24. Did the Complainant properly submit the reasonable accommodation request? Unaware.
25. When did the Complainant submit the request for a reasonable accommodation? Unsure
26. What is the agency's policy regarding being responsive and processing a reasonable accommodation request in a timely matter? Was the policy followed? Yes policy was followed. Reasonable Accommodation folks can respond to timeliness.
27. How long should it take to process a request for a reasonable accommodation? I don't know. Please ask the reasonable accommodation

- folks.
28. Have any of the Complainant's requests for a reasonable accommodation been granted? If yes, what were the circumstances? I don't know. That should be directed to his first line SOR In.
  29. Did you consult with anyone else in management, human resources or employee relations concerning this issue? No
  30. If so, whom did you consult?
  31. If so, when and what was discussed? I was the deciding official. I am the person who denied the request because the job required the incumbent to be in the field – physically deploy. And if he could not perform his essential functions, then he could not perform his job.
  32. If so, what response did you receive? He said he could not physically deploy to disasters.
  33. Was the Complainant's Disability a factor in management denying him his reasonable accommodation? no
  34. Was the Complainant treated fairly and consistent with the Agency's policy and procedures? Yes.
  35. Is there anyone else you would like us to speak with that might have direct knowledge of this incident? Yes
  36. If yes, please provide names and contact information as well as the direct knowledge they might provide. Anthony In.
  37. Is there anything else you would care to add? Since he stated that he was unable to travel, we got him involved in Closeouts for a period of time because this is what he did in his former role. But he also knew his role required travel and supporting disasters which was part of his essential functions.

**Whether Complainant, Emergency Management Specialist, (Applicant), of Bellville, TX was discriminated against based on disability (physical) and age (1951) by management when the following incidents occurred:**

**1. On January 6, 2025, Complainant was terminated**

38. Why was Complainant terminated on January 6, 2025?  
The complainant was unable to perform his essential functions of the role. He was made aware the role required travel. Refer to the Conditions of Employment, COE – signed 10.31.2023. It states that the incumbent must be able to deploy within 24-48 hours per the COE.  
Also, the Complainant signed the Employee Onboarding Program, "Every Employee is an Emergency Manager" Pledge.
39. What was your role in this action? I supported the decision to terminate the Complainant from their position, as he was unable to perform the essential functions of the role.
40. Who else was involved in Complainant's termination? Anthony In
41. Was Complainant fully qualified for his position? I don't know
38. What were the requirements of Complainant's position? essential function of physically deploying to support disasters
42. Was Complainant fully meeting these requirements? No. He refused to

- deploy.
43. If not, please discuss, including actions took to improve his performance.  
He would not deploy physically to disasters to support applicants.
44. Had Complainant been counseled for performance issues during his appointment? That should be directed to his first line SOR In
45. If so, what was he counseled for?
46. Were others treated differently who were not members in the Complainant's protected class? If so, please name and explain why. He was not treated different.
47. Did Complainant's age and/or physical disability have anything to do with your actions in this matter? No
48. In the past two years, who else have you terminated annotated by name, age and physical disability. I don't know that others have been terminated for this refusing to deploy. I was the deciding official on the appeal. He refused to deploy which was the issue. Disasters require in person deployment.
49. Do you have any witnesses to support your contentions in this matter? No
50. Identify by name, title, email, and nature of information to be provided.  
N/A

I have reviewed this statement, which consists of [#] pages and hereby solemnly swear (or affirm) that it is true and complete to the best of my knowledge and belief. I understand that the information I have given will not be held confidential and may be shown to the interested parties as well as made a permanent part of the Record of Investigation.

JODIE HUNTER  
Digitally signed by  
JODI E HUNTER  
[ATTACHMENT]  
Date: 2025.03.25  
15:24:00 -05'00'  
\_\_\_\_\_  
[DATE]

Signed on this day \_\_\_\_\_ of \_\_\_\_\_, 2021

LAKISHA S WILSON (affiliate)  
Digitally signed by LAKISHA S  
WILSON (affiliate)  
Date: 2025.03.25 16:27:18  
-04'00'  
\_\_\_\_\_  
[INVESTIGATOR/WITNESS]

# TAB F-4a

Max Meindl Conditions of Employment

## **CONDITIONS OF EMPLOYMENT**

- **CORE** (Cadre of On-Call Response Employee) – hired to perform longer term disaster work at a fixed location with a regular tour of duty.

### **NATURE OF APPOINTMENT:**

- I understand that this is a temporary civil service excepted service position that does not confer eligibility or priority consideration for permanent appointment. I may be terminated at any time, with cause (e.g. poor performance or misconduct) or without cause (e.g. downsizing of workforce, change in program direction or operational needs). My appointment will neither help nor hinder my chances for permanent appointment.
- I understand that my appointment is subject to successful completion and processing of essential security investigation forms, cooperation with the investigation and a favorable determination on my suitability for Federal employment.
- I will conduct myself at all times in a professional manner, preserve the public trust and adhere to FEMA/DHS rules and regulations.
- I may be required to work long hours under stressful and unfavorable conditions.
- I understand that I may be assigned to perform my disaster-related duty, irrespective of my position description, based on the needs of the operational situation.
- I may be released from an assignment at any time and with little or no notice based on the needs of the operation. In addition, I understand that I may be placed in a non-duty, no-pay status at anytime (e.g. due to downsizing of the workforce or change in program direction) and may be terminated at any time for cause (e.g. poor performance or misconduct) and that I am not subject to any protection afforded by reduction-in-force provisions, re-employment rights or adverse action procedures established under any statutory or regulatory provision.
- My work schedule and temporary geographical assignment may be changed based on the mission needs of the Agency.
- I must be ready to deploy wherever the Agency needs my services within 24 -48 hours of notification.
- I understand that I will receive benefits such as health and life insurance
- I understand that my appointment will end on the Not to Exceed (NTE) date of my appointment, unless it is extended based on the needs of the Agency.

## **CONDITIONS OF APPOINTMENT:**

- Use of electronic funds transfer is mandatory for salary payments and travel reimbursements.
- I must be eligible for and able to maintain a government issued travel card and I will abide by the terms and conditions established by the card provider and FEMA. Violations (e.g. delinquency, personal use of card) will result in appropriate disciplinary action, up to and including termination of employment.
- I will travel in the most expeditious and cost effective manner, using the Agency's Travel Agent to make all my travel arrangements.
- If I am authorized to use a motor vehicle for official business, I must comply with all applicable laws, regulations and policies relating to official motor vehicle usage.
- Upon arriving at a temporary duty station location, I must check in by phone and follow instructions. I am also required to check out and update my deployment status with the Automated Deployment Database.
- If I am a retired Federal civil servant, my pay from FEMA may be subject to offset.

**I CERTIFY THAT I HAVE READ AND UNDERSTAND THE TERMS AND CONDITION OF MY EMPLOYMENT WITH FEMA AS A STAFFORD ACT EMPLOYEE. I ALSO UNDERSTAND THAT FAILURE TO MEET AND MAINTAIN THE CONDITIONS OF EMPLOYMENT AT ANY TIME COULD RESULT IN TERMINATION OF MY EMPLOYMENT.**

Max J Meindl

3134

**Printed Name of Employee**

**Last Four digits of SSN**

MAX J MEINDL Digital signature by MAX J MEINDL  
Date: 2023.10.31 06:57:58 -05'00'

10/31/2023

**Signature of Employee**

**Date**

# TAB F-4b

## Position Description

TR - 4 Feb 2021 - These IMR PD's were created for identifying 321 each PA regional PINS and pull visibility/ accountability reports. These are the same as the previous alpha numeric PD numbering system PD's but have a new IMR numbering system. This is the same as the previous PD # L 15 235 but it has been renumbered to IMR 002. This PD can not be re - used for any other classification purpose other than this isolated 321 PIN PA project.

POSITION DESCRIPTION (Please Read Instructions on the Back)						1. Agency Position No. IMR 003					
2. Reason for Submission <input type="checkbox"/> Redescription <input type="checkbox"/> Reestablishment	3. Service <input checked="" type="checkbox"/> New <input type="checkbox"/> Hdqtrs <input checked="" type="checkbox"/> Field	4. Employing Office Location Washington, DC	5. Duty Station Varies	6. OPM Certification No.							
Explanation (Show any positions replaced) FLSA changed due to OPM claim adjudication 11/20/2021						7. Fair Labor Standards Act Exempt <input checked="" type="checkbox"/> Nonexempt	8. Financial Statements Required <input type="checkbox"/> Executive Personnel <input type="checkbox"/> Financial Disclosure	Employment and Financial Interest	9. Subject to IA Action <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
10. Position Status <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Excepted (Specify in Remarks) <input type="checkbox"/> SES (Gen.) <input type="checkbox"/> SES (CR)						11. Position Is <input type="checkbox"/> Supervisory <input type="checkbox"/> Managerial <input checked="" type="checkbox"/> Neither	12. Sensitivity <input checked="" type="checkbox"/> 1--Non-Sensitive <input type="checkbox"/> 2--Noncritical Sensitive <input type="checkbox"/> 3--Critical <input type="checkbox"/> 4--Special Sensitive	13. Competitive Level Code 0433			
15. Classified/Graded by a. Office of Personnel Management	Official Title of Position			Pay Plan	Occupational Code	Grade	Initials	Date			
b. Department, Agency or Establishment	Emergency Management Specialist (Recovery)			IC	0089	12	ABC	12/17/2014			
c. Second Level Review											
d. First Level Review											
e. Recommended by Supervisor or Initiating Office											
16. Organizational Title of Position (if different from official title)	17. Name of Employee (if vacant, specify)										
18. Department, Agency, or Establishment Department of Homeland Security	c. Third Subdivision										
a. First Subdivision Federal Emergency Management Agency	d. Fourth Subdivision										
b. Second Subdivision	e. Fifth Subdivision										
19. Employee Review-This is an accurate description of the major duties and responsibilities of my position.	Signature of Employee (optional)										
20. <b>Supervisory Certification.</b> I certify that this is an accurate statement of the major duties and responsibilities of this position and its organizational relationships, and that the position is necessary to carry out Government functions for which I am responsible. This certification is made with the knowledge that	this information is to be used for statutory purposes relating to appointment and payment of public funds, and that false or misleading statements may constitute violations of such statutes or their implementing regulations.										
a. Typed Name and Title of Immediate Supervisor Beth A Freeman, Regional Administrator	b. Typed Name and Title of Higher-Level Supervisor or Manager (optional)										
Signature BETH A FREEMAN	Date 12/17/2014		Signature						Date		
21. <b>Classification/Job Grading Certification.</b> I certify that this position has been classified/graded as required by Title 5, U.S. Code, in conformance with standards published by the U.S. Office of Personnel Management or, if no published standards apply directly, consistently with the most applicable published standards.	22. Position Classification Standards Used in Classifying/Grading Position Position Classification Flysheet for Emergency Management, GS-0089 Series August 2012; AAGEG TS-98 Dated August 1990										
Typed Name and Title of Official Taking Action Anne Charlton Supervisory HR Specialist	Information for Employees. The standards, and information on their application, are available in the personnel office. The classification of the position may be reviewed and corrected by the agency or the U.S. Office of Personnel Management. Information on classification/job grading appeals, and complaints on exemption from FLSA, is available from the personnel office or the U.S. Office of Personnel Management.										
Signature ANNE B CHARLTON	Date 12/17/2014										
23. Position Review	Initials	Date	Initials	Date	Initials	Date	Initials	Date	Initials	Date	
a. Employee (optional)											
b. Supervisor											
c. Classifier	TR	4 Feb 2021									
24. Remarks	MODERATE - Security Clearance Level - Not Required Required Drug Test - Not Required				Position Sensitivity - Moderate Risk Computer Clearance - Not Required			CORE Position			
FPL = IC-12											
25. Description of Major Duties and Responsibilities (See Attached)											

**STANDARDIZED POSITION DESCRIPTION**  
U.S. Department of Homeland Security (DHS)  
Federal Emergency Management Agency  
**Emergency Management Specialist (Recovery), IC-0089-12**

**Terms of Use:**

This position description is intended for use without modification. Any changes (e.g., pen-and-ink) to the duty statements, factor level descriptions and benchmarks may jeopardize the classification determination. Further information regarding this process may be obtained from the employee's immediate supervisor or Human Resources.

**I. Introduction**

The primary purpose of this position is to perform emergency management work including managing, and coordinating with other entities the recovery efforts from intentional and/or unintentional crises, disasters, other humanitarian emergencies, hazards, or natural and manmade/technological (chemical, biological, radiological, nuclear, high-yield explosives) incidents. The work requires knowledge of emergency management and related directives, policies, regulations, procedures, and methods; and the collaboration and fostering of relationships between Federal, State, local, tribal, territorial, nongovernmental organizations, and private sector, and their response mechanisms and authorities. The recovery program's mission is to provide community support for rebuilding efforts so individuals, civic institutions, businesses, and governmental organizations can function on their own, return to normal life, and protect against future hazards.

Functions as a senior-level regional advisor; requiring the ability to plan coordinated recovery efforts; often for highly visible regional crisis events. Establishes and maintains effective recovery operations under conditions of extreme pressure, unusual working hours during crisis/emergency conditions; evidences skill in establishing and maintaining effective working relationships and meaningful communication interchanges; and demonstrates the ability to effectively communicate, orally and in writing. Directly responsible for the delivery and execution of numerous programs authorized under the Stafford Act, as amended: Individual Assistance, Public Assistance, the Declaration Process, and related recovery functions. Provides regional training to stakeholder groups in emergency recovery procedures; including on-site exercises. Provides regionalized feedback on exercise outcomes.

This is a Federal Emergency Management Agency (FEMA) standardized position description, and reflects all duties associated with the designated Emergency Management specialty. Employees assigned to a FEMA standardized position description may perform one or more of the duties contained in the position description.

## **II. Major Duties and Responsibilities**

**All Duties:** 100%

**Duty 1:**

The incumbent performs substantive mission-oriented work in a FEMA region and serves as a senior advisor to regional recovery staff and leadership concerning policy issues dealing with aiding individuals and/or communities by providing disaster support and delivering disaster assistance to events such as: intentional and/or unintentional crises, disasters, other humanitarian emergencies, hazards, or natural and man-made/technological (chemical, biological, radiological, nuclear, high-yield explosives) incidents. Applies broad emergency management knowledge and skill to a range of recovery issues, many of which are complex and controversial. Addresses a broad range of issues concerning the regional application of FEMA's enabling statutes, writing and reviewing regulations and guidance documents; drafting and commenting on legislation and other emergency management policy documents. Identifies and tracks resolution of gaps and conflicts in multiple Federal planning requirements and assistance programs, as well as programs that support and build community capacity to manage the disaster recovery process. Develops and prepares regional emergency management plans and policies, procedures, and risk assessments to ensure the region's capability to continue essential functions during all types of hazards, and are consistent with statutory and agency requirements. Provides technical assistance and planning support to integrate sustainability principles, such as adaptive re-use of historic properties, mitigation consideration, smart growth principles and sound land use into recovery decision making and planning during the post-disaster period. Attends Stakeholder Forums held throughout the country to deliver briefings on the key concepts of PPD-8, and its implementation in the State and local communities, focusing on emergency recovery efforts from a crisis/disaster.

**Duty 2:**

Serves as a senior regional functional proponent for the Recovery functional area. Directs regional recovery operations during a crisis incident, or disaster. Provides coordination, guidance, and assistance to major regional activities to ensure the capability to continue essential functions. Executes emergency recovery program operations, and ensures functional responsibilities are carried out under the authority of the Stafford Act, as amended, and PPD-8, which results in the delivery of effective recovery support services to disaster-impacted Federal, State, local, tribal, territorial, nongovernmental organizations, and the private sector. Facilitates robust, on-going communications with internal operations staff and corresponding operational staff of other Federal agencies. Works toward the PPD-8 objective of creating a shared understanding and a common, integrated perspective across all mission areas (Prevention/Protection, Mitigation, Response, and Recovery), in order to achieve unity of effort and make the most effective use of limited resources. Determines required and available resources for the regional recovery mission (e.g., technical expertise, equipment, and infrastructure) and capacities, as well as future sources, to support regional recovery priorities. Assignments may involve compiling, reconciling, and correlating voluminous workload data from a variety of sources with different reporting requirements and formats, or the data must be carefully cross-checked, analyzed, and interpreted to obtain accurate and relevant information. Handles data that is often conflicting or incomplete, cannot readily be obtained by direct means, or is otherwise

difficult to document. Addresses issues raised by managers, supervisors and employees within the region and provides solutions and options. Collaborates with functional counterparts in the other regions and at headquarters to resolve controversial and highly technical issues to achieve a corporate approach.

**Duty 3:**

Implements standards, regulations, practices, training, and procedures to recover from hazards, threats, and crises; assures that assessments adequately determine needed and available resources (e.g., technical expertise, equipment, and infrastructure) and capacities. Supports emergency recovery activities focused on Individual Assistance Programs to ensure the timely provision of life-sustaining services and resources to evacuees and disaster survivors. Administers regional components of Individual Assistance recovery programs and activities during an event or incident Executes complex aspects of Individual Assistance programs and coordination with stakeholders in advance of Joint Field Office (JFO) operations, during JFO operations in cooperation with designated Federal Coordinating Officers, and during post-JFO operations including closeout functions. Included in this program are: managing the determination and application for a Disaster Declaration; the Individuals and Households Program; Disaster Survivor Assistance; Other Needs Assistance; Disaster Unemployment Assistance Program; Disaster Legal Services; Crisis Counseling Assistance and Training Program; Mass Care and Emergency Assistance Coordination (ESF #6); Voluntary Agency Coordination; and the Disaster Case Management Program. Develops plans to ensure the capability to continue essential functions during All Hazard events. Coordinates with other Federal agencies, FEMA regional staffs, and State government agencies to ensure the capability to continue essential functions during any event or incident. Responsible for developing and issuing recovery plans, procedures, and risk assessments with voluntary organization partners to fulfill requests in a timely and effective manner. Evaluates plans and guidance for compliance with established emergency management directives and policies. Maintains robust and accessible communications between stakeholders to ensure ongoing dialogue and information sharing.

**Duty 4:**

Assignments involve the delivery of the Public Assistance Program before, during and following federally declared emergencies and disasters declared under the Stafford Act, to include the Fire Management Grants Program (FMAG). Works with various parts of the organization to provide required assistance to the affected communities and States, responding to Presidentially-declared disasters and emergencies under the provisions of PL 93-288, as amended. Implements the full range of Public Assistance programs and coordinates with stakeholders in advance of Joint Field Office (JFO) operations, during JFO operations in cooperation with designated Federal Coordinating Officers, and during post-JFO operations, including closeout functions. Program components include, but are not limited to: disaster damage assessment teams, disaster survey teams, public assistance operations within the Joint Field Offices. Serves as a public assistance grant program technical and programmatic expert and staff member responsible for interpretation and application of applicable laws, regulations, policies, handbooks and procedures. Provides programmatic determinations and provides guidance to state and local governmental officials which directly applies to laws, policies, regulations, or other directives which govern the Public Assistance Program areas such as: Emergency Assistance (including coordination with stakeholders during recovery operations), debris removal, emergency facilities protection,

reconstruction of roads, bridges, water control structures, utilities, etc. Reviews work applications and supplements for conformity to regulations, meeting eligibility criteria, and procedural funding requirements. Analyzes inspection reports, final vouchers, and Federal and/or State audit reports on public assistance programs, and prepares recommendations for required follow-up actions. When directed, represents the recovery function as a Public Assistance specialist in a variety of meetings with Federal, State, local, tribal, territorial, nongovernmental organizations, and private sector groups, providing information on agency programs, policies, and regulations. Assists the Regional Environmental Officer and the Historical Preservation Officer on all PA programmatic activities having environmental and/or historical assessment or clearance requirements.

**Duty 5:**

Manages recovery programs and projects for FEMA; responsible for ensuring the efficient and effective execution of all phases of assigned portions of significant, regional recovery projects. Prepares or reviews assigned portions of scopes of work. Monitors schedules, deadlines, and benchmarks; assuring that work is completed on schedule.

Provides and/or coordinates emergency response and recovery training, exercises, and assistance. Implements programs to engage all stakeholders in reducing the frequency, severity, and cost of disasters, injuries, fatalities, and impact on critical infrastructure and the environment. Provides consolidated regional feedback on exercises in accordance with the Homeland Security Exercise and Evaluation Program (HSEEP). May participate as a member of on-site teams in conducting program reviews. Incumbent may be called upon to participate as a team member on higher level reviews of crisis event recovery operations (e.g., Department of Commerce, U.S. Army Corps of Engineers, Department of Interior, etc.).

Serves as a technical spokesperson at regional conferences, meetings, committees and working groups that may propose, defend and/or criticize continuity and emergency criteria, in order to promote and maintain a pro-active response/recovery posture.

Performs technical writing functions, requiring substantive knowledge of the various functional areas of emergency management and of the specialized terminology required. Writes and/or edits technical materials, including reports of research findings, regulations in technical areas; technical manuals and specifications. Articulates agency policies, and explains technical aspects of agency programs to those affected individuals and communities. Assures that materials presented are consistent with agency policy and with other information presented by the agency.

Performs other duties as assigned.

**III. Factor Level Descriptions:**

**Factor 1. Knowledge Required by the Position.**

**Level 1-7 1250 Points**

Comprehensive knowledge of agency goals and objectives, structure, mission, and programs and knowledge of qualitative methods sufficient to solve problems and challenges of considerable scope.

Comprehensive knowledge of technical advice and guidance to the agency concerning recovery issues and evaluation of major administrative aspects of substantive, mission-oriented programs. Ability to provide technical advice and assistance on quality assistance and process improvement practices in relation to recovery services to disaster victims. Provides guidance to internal and external customers concerning complex, unusual, or unprecedented recovery management initiatives.

Knowledge and skill in applying a wide range of analytical and evaluative methods and qualitative analysis methods, concepts, and practices, sufficient to perform efficiency and effectiveness evaluations of programs, or substantive administrative support functions. Knowledge is used to plan, schedule, and conduct projects and studies to evaluate and recommend ways to improve the effectiveness and efficiency of work operations in a program or support setting.

Intensive, practical knowledge and skills to analyze and evaluate difficult issues involving the substantive nature of agency programs and activities; agency missions, issues, policies, and objectives; management principles and processes; and the analytical and evaluative methods and techniques for assessing program development or execution and improving organizational efficiency.

Knowledge of pertinent laws, regulations, policies and precedents which affect the use of program and related support resources (people, money, or equipment) in the area studied.

Extensive knowledge of technical recovery issues, program goals and objectives, work processes, and FEMA administrative operations in order to evaluate major administrative aspects of substantive, mission-oriented programs.

Ability to provide technical advice and assistance on engineering and construction management practices in relation to recovery services to disaster victims. Provides guidance to internal and external customers concerning complex, unusual, or unprecedented recovery emergency management initiatives.

The work requires skill in the application of fact-finding and investigative techniques; oral and written communications; and development of presentations and reports. There is the need to convey policy and concepts to technical and non-technical managers, project partners, and other germane parties with demonstrated clarity, logic, conciseness, and persuasiveness in obtaining the cooperation of others while defending findings to peers and management officials.

## **Factor 2. Supervisory Controls.**

**Level 2-4 450 points**

Within a framework of priorities, funding and overall work objectives, the employee and supervisor develop a mutually acceptable work plan which typically includes identification of the work to be done, the scope of the project, and deadlines for its completion.

Within the parameters of the approved work plan, the employee is responsible for planning and organizing the work, estimating costs, coordinating with staff and line management personnel,

and conducting all phases of the project. This frequently involves the definitive interpretation of regulations and study procedures, and the initial application of new methods. Informs the supervisor of potentially controversial findings, issues, or problems with widespread impact.

Completed work, evaluations, reports, or recommendations are reviewed by the supervisor for compatibility with organizational goals, guidelines, and effectiveness in achieving intended objectives. Completed work is also reviewed critically outside the employee's immediate office by staff and line management officials whose programs and employees would be affected by implementation of the recommendations.

**Factor 3. Guidelines.**

**Level 3-4 450 points**

The work requires extensive knowledge of emergency management and related directives, policies, and laws. Standards and guidance include, but are not limited to National Security Strategy, PPD-8, Homeland Security Presidential Directives, National Mitigation Framework, and National Incident Management System. Uses guidelines such as general administrative policies and management and organizational theories which require considerable adaptation and/or interpretation for application to issues and problems studied. Administrative policies and precedent studies provide a basic outline of the results desired, but do not go into detail as to the methods used to accomplish the project. Administrative guidelines typically cover program goals and objectives of the employing organization, such as agency controls on size of work force, productivity targets, and similar objectives. Within the context of broad guidelines the employee may refine or develop more specific guidelines such as implementing regulations or methods for the measurement and improvement of effectiveness and productivity in the administration of operating programs.

**Factor 4. Complexity.**

**Level 4-4 225 points**

Executes emergency recovery program operations, and ensures functional responsibilities are carried out under the authority of the Stafford Act, as amended, and PPD-8, which results in the delivery of effective recovery support services to disaster-impacted Federal, State, local, tribal, territorial, nongovernmental organizations, and the private sector. Options, recommendations, and conclusions developed by the employee take into account and give appropriate weight to uncertainties about the data and other variables which affect long-range program performance. The work requires detailed planning to conduct information gathering; interpretation of administrative records and reports; correlation of information to corroborate facts; and coordination with management representatives. The work requires the application of qualitative and quantitative analytical techniques that frequently require modification to fit a wider range of variables. Subjects and projects assigned at this level usually consist of issues, problems, or concepts that are not always susceptible to direct observation and analysis (e.g., projected missions and functions). Difficulty is encountered in measuring program effectiveness due to variations in the nature of administrative processes. Information about the subject is often conflicting or incomplete, cannot readily be obtained by direct means, or is otherwise difficult to document. Assignments may involve compiling, reconciling, and correlating voluminous workload data from a variety of sources with different reporting requirements and formats, or the data must be carefully cross-checked, analyzed, and interpreted to obtain accurate and relevant

information. Characteristic of the work is originality in refining existing work methods and techniques for application to the analysis of specific issues or resolution of problems. The employee may revise methods for collecting data on workload, adopt new measures of productivity, or develop new approaches to relate productivity measurements to a performance reporting system.

**Factor 5. Scope and Effect.**

**Level 5-4 225 points**

Studies, analyzes, and develops ways to improve the accuracy, adequacy, timeliness, and validity of data and systems for disseminating information about the agency's programs and work force to managers in many echelons and/or geographic locations. The purpose of the work is to assess the productivity, effectiveness, and efficiency of program operations or to analyze and resolve problems in the staffing, effectiveness and efficiency of administrative support and staff activities. Work involves establishing criteria to measure and/or predict the attainment of program or organizational goals and objectives. Work includes developing related administrative regulations, such as those governing the allocation and distribution of personnel, supplies, equipment, and other resources, or promulgating program guidance for application across organizational lines or in varied geographic locations. Work involves performing very broad studies (e.g., involving several agencies) which are of significant interest to the public and the Government. Analytical studies involve programs or policies that cut across a number of agencies and affect major segments of private industry (e.g., national and local emergency management programs, national emergency management policy), and collaborating with stakeholders and partners such as Federal, State, local, tribal, territorial, nongovernmental organizations, and private sector. Findings often lead to recommendations for the realignment of functional responsibilities between agencies or other equally significant changes in program direction or policy related to issues such as: occupant emergency planning, crisis management, continuity of operations and government, mission assurance, and resiliency activities. Work provides a flexible structure that enables disaster recovery managers to operate in a unified and collaborative manner. It also focuses on how best to restore, redevelop and revitalize the health, social, economic, natural and environmental fabric of the community. Results of work are critical to the agency's mission, and affect large numbers of people on a long term, continuing basis by providing integrated support to those impacted by disasters.

**Factors 6/7. Personal Contacts & Purpose of Contacts.**

**Level 3C 180 points**

Contacts include, but are not limited to, persons outside the agency. This may include consultants, contractors, business executives, engineers, scientists, occupational health and safety specialists, integration and inclusion specialists, legal advisors, land managers, security specialists, law enforcement officers, fire safety engineers, medical professionals, community leaders, public affairs specialists, and other non-governmental stakeholders. Contacts both internal and external are representatives of different functional offices, support operations, activities, and programs which interrelate and impact on recovery planning. Contacts include working closely with, and receiving support from, all levels of government (Federal, State, local, tribal, territorial, nongovernmental organizations, and private sector) in recovering from emergency events and in developing interagency doctrine and procedures to be used during disaster response and recovery. Contacts are made in a moderately unstructured setting. This

level may also include contacts with program officials several managerial levels removed from the employee when such contacts occur on an ad-hoc basis.

The purpose of contacts is to influence managers or other officials to accept and implement findings and recommendations on organizational improvement or program effectiveness. May encounter resistance due to such issues as organizational conflict, competing objectives, or resource problems.

**Factor 8. Physical Demands.** **Level 8-1 5 points**

The work is primarily sedentary, although some slight physical effort may be required. No physical demands are required to perform the work.

**Factor 9. Work Environment.** **Level 9-1 5 points**

The work is performed in a typical office setting. Special safety precautions are not required. The position may require occasional travel.

**OTHER SIGNIFICANT FACTS:**

The incumbent is required to complete a background investigation in order to obtain and maintain a security clearance or suitability determination.

The actual or anticipated assignment of some types of emergency management duties may require the incumbent to have or obtain a valid security clearance above and beyond that required to perform the regular and recurring duties of this position.

Frequent Temporary Duty (TDY) travel is required.

If not otherwise identified in this position description, the incumbent may be required to perform emergency response duties in support of FEMA's Emergency Management responsibilities such as: natural or man-made disasters; radiological emergency situations; actual or threatened nuclear attack; and national security training exercises and testing of readiness plans and procedures.

The incumbent is assigned to an emergency team designed to perform essential functions during an actual or impending crisis or declared national emergency, and is subject to recall during non-duty hours in the event of emergencies. Incumbent is required by emergency assignment to be available to report to an emergency duty station during duty and non-duty hours by the fastest means available and be prepared to operate at the emergency duty station for an indefinite period.

This position requires that the employee be prepared to work extended hours without relief in hazardous environments. Emergency management personnel undergo considerable stress inherent in assignments that involve assistance following major disaster events. The work is normally performed in an office setting. However, this position requires that the incumbent

train, maintain a state of readiness, and be deployed into the possible high-risk environment of a disaster site. Conditions in some disaster environments may include irregular diet or rations; limited rest; uncomfortable sleeping conditions; extensive overtime; an environment with unsanitary conditions; and related risks, such as reoccurrence of the disaster event (e.g., general hazards, or additional flooding). Travel may be required on short notice, during poor conditions. Extreme caution must be exercised to assure personal safety, as well as safety of co-workers and members of the public who look to the employee for guidance.

**Emergency Assignment** - Every FEMA employee has regular and recurring emergency management responsibilities, though not every position requires routine deployment to disaster sites. All positions are subject to recall around the clock for emergency management operations, which may require irregular work hours, work at locations other than the official duty station, and may include duties other than those specified in the employee's official position description. Travel requirements in support of emergency operations may be extensive in nature (weeks to months), with little advance notice, and may require employees to relocate to emergency sites with physically austere and operationally challenging conditions.

**Key Requirement** – In addition to the travel and relocation that may be required by emergency assignments, this position may require occasional non-emergency travel.

**CLASSIFICATION STANDARD(S) USED:**

- a) Emergency Management Series, 0089 August 2012
- b) Administrative Analysis Grade Evaluation Guide TS-98 August 1990

**FACTOR LEVELS AND POINTS:** 1-7/1250, 2-4/450, 3-4/450, 4-4/225, 5-4/225, 6/7-3C/180, 8-1/5, 9-1/5.

Point Range (2755 - 3150)

Total Points: 2790, GS-0089-12

# Position Designation Record

Agency DEPT OF HOMELAND SECURITY-FEDERAL EMERGENCY MANAGEMENT AGENCY  
Supplemental Duty  
Position Title Emergency Management Specialist (Recovery)  
Position Description  
Series and Grade/Pay Band IC-0089-12  
Position Description Number IMR003  
Designator's Name & Title Zach Lamb, Public Assistance Branch Chief

## Final Position Designation and Investigation

Sensitivity Level	Risk Level	Investigation	Form
Non-Sensitive	Moderate Risk	Tier 2	SF 85P

Label	Points
Total Initial Position Designation Points from Step 2	30
Adjusted Position Designation Points from Step 3	20

## Summary

### National Security

No national Security Duties

### Suitability

Duties	Degree of Potential for Compromise or Damage
Protection of personal, private, controlled unclassified, or proprietary information-with the potential to damage the public's trust (includes access to or processing of personal information such as that protected by the Privacy Act (PA) of 1974, exempt from disclosure under the Freedom of Information Act (FOIA), financial data, or privileged information involving the award of contracts, contractor proprietary information, etc.)	Moderate impact Access and control over personal, private, proprietary, or controlled unclassified information, the unauthorized disclosure of which could negatively impact the public's trust, through serious damage/harm to: <ul style="list-style-type: none"><li>• The integrity or efficiency of the service</li><li>• Individuals or business entities</li><li>• Government programs or operations impacting the public's trust</li></ul>
Government service delivery,	Moderate impact

Duties	Degree of Potential for Compromise or Damage
including customer service or public liaison duties	<p>Duties involve customer service responsibilities and/or public liaison that could negatively impact the public's trust through moderate damage/harm to:</p> <ul style="list-style-type: none"> <li>• The integrity or efficiency of the service</li> <li>• Individuals or business entities</li> <li>• Government programs or operations impacting the public's trust</li> </ul>

## Adjustment for Scope of Program and Correlation to Extent of Impact

Program Scope and Impact	Impact
Adjustment for Scope of Program and Correlation to Extent of Impact	<p>Agency Impact</p> <ul style="list-style-type: none"> <li>• Program operations affect only one agency. Misconduct or damage would have potential for a local impact on the agency, and/or the individuals or private entities affected by the agency.</li> </ul>
Level of Supervision	Ability to act independently
Adjustment for level of supervision or other controls	<p>Periodic, ongoing review - ability to act independently a lot of the time</p> <ul style="list-style-type: none"> <li>• Ongoing spot review from a perspective of policy and organizational concerns by a superior with expertise in the technical aspects of the duties performed.</li> </ul>

Designator's Name: Zach Lamb, Public Assistance Branch Chief

Designator's Signature: ZACHARY S LAMB Digital signature by ZACHARY S LAMB  
Date: 2020.08.05 13:46:43 -06'00' Date: \_\_\_\_\_

# TAB F-4c

Jodi Hunter FEKC Transcript

# All Training

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Current Date: 4/8/2025 JODI HUNTER

Title	Type	Status	Score	Start Date	Completion Date	Expiration Date	Credits
1 Day 406 Hazard Mitigation (2012) (1)	Classroom	Completed		3/7/2009	3/7/2009		
A Roadmap to Success: Disability Recruitment, Hiring, Advancement, and Retention	Online	Started		12/1/2023			
Annual Ethics Refresher Course (6)	Classroom	Completed		2/1/2018	2/1/2018		1 03 Continuing Education Unit
Annual Ethics Training for Confidential Financial Disclosure (OGE 450) Filers – 2021	Online	Completed		1/19/2021	1/19/2021		0 03 Continuing Education Unit
Annual Ethics Training for Confidential Financial Disclosure (OGE 450) Filers – 2022	Online	Completed		1/28/2022	1/28/2022		0 03 Continuing Education Unit
Annual Ethics Training for Confidential Financial Disclosure (OGE 450) Filers – 2023	Online	Completed		1/17/2024	1/17/2024		

Title	Type	Status	Score	Start Date	Completion Date	Expiration Date	Credits
Annual Ethics Training for OGE 450 Filers	Online	Completed		2/5/2020	2/5/2020		0 03 Continuing Education Unit
Annual Ethics Training for OGE-450 Filers – Office of Chief Counsel (OCC), February 2024 (3)	Virtual	Completed		1/26/2023	1/26/2023		0 03 Continuing Education Unit
Annual Mandatory Independent Study Courses Bundle	Bundle	Satisfied		7/8/2020	9/30/2020		
Annual Mandatory Training Bundle	Bundle	Satisfied		8/14/2020	8/26/2020		
Basic Records Management	Online	Completed	85.00	3/20/2015	3/31/2015		1 03 Continuing Education Unit
Basic Records Management	Online	Completed	96.00	4/11/2016	4/12/2016		1 03 Continuing Education Unit
BRIEFING - OCC PROCUREMENT AND FISCAL LAW (3)	Classroom	Enrolled		9/22/2014			
Briefing - Security (11)	Classroom	Completed		7/22/2014	7/22/2014		
Briefing (19)	Classroom	Enrolled		1/25/2012			
Briefing (445)	Classroom	Completed		10/13/2012	10/13/2012		

Title	Type	Status	Score	Start Date	Completion Date	Expiration Date	Credits
Civil Treatment for Employees (CTEGov) (308)	Classroom	Completed		7/6/2021	7/6/2021		0 03 Continuing Education Unit
Civil Treatment for Leaders (CTLGov) (94)	Classroom	No Show		3/4/2021			
Civil Treatment for Leaders (CTLGov) (96)	Classroom	Completed		4/6/2021	4/6/2021		0 03 Continuing Education Unit
Civil Treatment for Supervisors (24)	Classroom	Completed		2/25/2020	2/25/2020		0 03 Continuing Education Unit
Coach and Evaluator Sustainment Training	Online	Completed		4/16/2020	4/16/2020		0 03 Continuing Education Unit
Coach and Evaluator Sustainment Training 2022	Online	Completed	80.00	2/15/2024	2/15/2024		
Conducting an Effective Hiring Interview	Online	Completed	100.00	7/12/2021	7/12/2021		0 03 Continuing Education Unit
Conducting an Effective Hiring Interview	Online	Completed	83.00	8/24/2023	8/24/2023		
Constitution Day Course 2013	Online	Started		11/29/2013			

Title	Type	Status	Score	Start Date	Completion Date	Expiration Date	Credits
Constitution Day Training	Online	Completed		8/27/2020	8/27/2020		1 03 Continuing Education Unit
Developing Your Critical Thinking and Cognitive Flexibility	Online	Started		3/12/2024			
DF - 506 Sexual Harassment: New Perspectives (24)	Classroom	Completed		2/1/2012	2/1/2012		1 03 Continuing Education Unit
DF - 506 Sexual Harassment: New Perspectives (404)	Classroom	Completed		6/3/2014	6/3/2014		1 03 Continuing Education Unit
DF - 506 Sexual Harassment: New Perspectives (492)	Classroom	Completed		4/23/2015	4/24/2015		1 03 Continuing Education Unit
DF - 506 Sexual Harassment: New Perspectives (825)	Classroom	Completed		1/24/2017	1/24/2017		1 03 Continuing Education Unit
DF-434 Introduction to Equal Rights (22)	Classroom	Completed		2/1/2012	2/1/2012		1 03 Continuing Education Unit

Title	Type	Status	Score	Start Date	Completion Date	Expiration Date	Credits
DF-434 Introduction to Equal Rights (404)	Classroom	Completed		6/3/2014	6/3/2014		1 03 Continuing Education Unit
DF-434 Introduction to Equal Rights (491)	Classroom	Completed		4/23/2015	4/23/2015		1 03 Continuing Education Unit
DF-434 Introduction to Equal Rights (814)	Classroom	Completed		1/24/2017	1/24/2017		1 03 Continuing Education Unit
DF-500 Government Ethics (122)	Classroom	Completed		4/1/2015	4/1/2015		1 03 Continuing Education Unit
DHS Basic Records Management (2014-2-19)	Online	Completed		12/14/2013	12/14/2013		
DHS Counterintelligence Awareness	Online	Completed		3/23/2023	3/23/2023		0 03 Continuing Education Unit
DHS Counterintelligence Awareness	Online	Completed		8/6/2024	8/6/2024		
DHS Counterintelligence Awareness	Online	Completed		12/2/2021	8/18/2022		0 03 Continuing Education Unit

Title	Type	Status	Score	Start Date	Completion Date	Expiration Date	Credits
DHS Counterintelligence Awareness	Online	Completed		7/13/2021	7/13/2021		0 03 Continuing Education Unit
DHS Counterintelligence Awareness for Travelers	Online	Started		6/8/2021			
DHS Department-wide File Plan	Online	Completed	95.00	6/1/2016	6/1/2016		1 03 Continuing Education Unit
DHS Department-wide File Plan (2014-2-19)	Online	Completed		12/16/2013	12/16/2013		
DHS Department-wide File Plan (2014-2-19)	Online	Completed		12/16/2013	12/16/2013		
DHS Department-wide File Plan 2015	Online	Completed	95.00	3/31/2015	3/31/2015		
DHS Human Trafficking 11-2015	Online	Completed		11/29/2013	12/14/2013		
DHS Insider Threat Awareness	Online	Completed		10/25/2016	10/25/2016		0 03 Continuing Education Unit
DHS Insider Threat Awareness	Online	Completed		10/25/2016	10/31/2016		0 03 Continuing Education Unit
DHS Insider Threat Awareness	Online	Completed		8/6/2024	8/6/2024		

Title	Type	Status	Score	Start Date	Completion Date	Expiration Date	Credits
DHS Insider Threat Awareness	Online	Completed		5/27/2021	5/27/2021		0 03 Continuing Education Unit
DHS Insider Threat Awareness	Online	Completed		12/2/2021	12/2/2021		0 03 Continuing Education Unit
DHS No FEAR Act 2021	Online	Completed	100.00	4/19/2022	4/19/2022		0 03 Continuing Education Unit
DHS No FEAR Act and Anti-Harassment - 10-2015 (retired)	Online	Completed		5/20/2015	5/27/2015		
DHS No FEAR Act and Anti-harassment Course (2014.1)	Online	Completed		1/7/2014	1/7/2014		
DHS No FEAR Act and Anti-harassment Course (2014.2)	Online	Completed		3/18/2014	3/18/2014		
DHS No FEAR Act and Anti-harassment Course 2016	Online	Completed		4/11/2016	4/12/2016		
DHS No FEAR Act Refresher Training	Online	Completed	100.00	8/28/2024	8/28/2024		
DHS Purchase Card Training - 2015	Online	Completed	96.00	3/14/2014	3/18/2014		
DHS Travel Card Training	Online	Started		7/3/2017			

Title	Type	Status	Score	Start Date	Completion Date	Expiration Date	Credits
DHS Travel Card Training	Online	Completed	96.00	8/18/2020	8/18/2020		0 03 Continuing Education Unit
DHS Travel Card Training	Online	Completed	85.00	6/7/2021	6/7/2021		0 03 Continuing Education Unit
DHS Travel Card Trainngv (2015)	Online	Started		6/8/2015			
DHSTogether: Building Employee and Organizational Resilience	Online	Completed		11/7/2011	11/7/2011		0 03 Continuing Education Unit
E/L/B 239 - 406 Hazard Mitigation (41)	Classroom	Completed		1/19/2010	1/19/2010		
E/L/B 253 Introduction to Environmental and Historic Preservation Compliance (33)	Classroom	Completed		12/5/2011	12/5/2011		
E/L/B 300 Intermediate ICS for Expanding Incidents, ICS 300 (6)	Classroom	Completed		1/24/2013	1/24/2013		
E/L/B 348 Orientation to Mission Assignments (26)	Classroom	Enrolled		10/5/2016			
E/L/B 378 Public Assistance Preliminary Damage Assessment (6)	Classroom	Completed		1/22/2010	1/22/2010		
E/L/B 381 Project Specialist (96)	Classroom	Completed		6/23/2008	6/23/2008		
E/L/B 382 PAC Crew Leader (40)	Classroom	Completed		1/8/2007	1/8/2007		

Title	Type	Status	Score	Start Date	Completion Date	Expiration Date	Credits
E/L/B 400: Advanced Incident Command System (ICS), Command & General Staff - Complex Incidents (2)	Classroom	Completed		2/1/2013	2/2/2013		
E/L/B 480 Public Assistance (PA) Cost Estimating Format (8)	Classroom	Completed		4/10/2007	4/10/2007		
E/L/B 823 FQS Coach-Evaluator Course (10)	Classroom	Completed	100.00	10/30/2012	10/30/2012		
E/L/B Emergency Manager Orientation (21)	Classroom	Enrolled		5/26/2016			
E/L/B Emergency Manager Orientation (21)	Classroom	Enrolled		5/26/2016			
EEO and Lawful Hiring	Online	Completed	100.00	7/12/2021	7/12/2021		0 03 Continuing Education Unit
EEO and Lawful Hiring	Online	Completed	100.00	8/24/2023	8/24/2023		
Electronic Records Management	Online	Completed	92.00	3/31/2015	3/31/2015		1 03 Continuing Education Unit
Electronic Records Management	Online	Completed	91.00	6/1/2016	6/1/2016		0 03 Continuing Education Unit
Electronic Records Management 2014	Online	Completed		12/16/2013	12/16/2013		
Electronic Travel System (ETS2) (13)	Classroom	Completed		6/25/2013	6/25/2013		
Electronic Travel System (ETS2) (9)	Classroom	Completed 000214		6/26/2013	6/26/2013		

Title	Type	Status	Score	Start Date	Completion Date	Expiration Date	Credits
Employee Preparedness Initiative (EPI)	Curriculum	Completed		5/27/2015	6/2/2016		
Employment of People with Disabilities: A Roadmap to Success	Online	Completed	100.00	5/10/2023	5/10/2023		1 03 Continuing Education Unit
Employment of People with Disabilities: A Roadmap to Success	Online	Completed	100.00	3/5/2021	3/5/2021		1 03 Continuing Education Unit
Estimating and Budgeting Project Costs	Online	Completed	90.00	8/21/2014	12/23/2014		
FEKC Tutorial	Online	Completed		12/3/2013	3/14/2014		1 03 Continuing Education Unit
FEMA Human Trafficking Awareness	Online	Completed	100.00	4/14/2022	4/14/2022		0 03 Continuing Education Unit
FEMA Human Trafficking Awareness	Online	Completed	100.00	5/11/2023	5/11/2023		0 03 Continuing Education Unit
FEMA Human Trafficking Awareness	Online	Completed	100.00	8/14/2020	8/14/2020		0 03 Continuing Education Unit

Title	Type	Status	Score	Start Date	Completion Date	Expiration Date	Credits
FEMA Human Trafficking Awareness	Online	Completed	100.00	8/6/2024	8/28/2024		
FEMA Human Trafficking Awareness	Online	Completed	100.00	6/7/2021	6/8/2021		0 03 Continuing Education Unit
Final Exam IS-0293: Mission Assignment Overview	Test	Completed		1/22/2021	7/9/2021		
Final Exam: IS-0019.23: FEMA EEO Supervisor Course 2023	Test	Completed	96.15	5/10/2023	5/10/2023		
Final Exam: IS-0019.24: FEMA EEO Supervisor Course 2024	Test	Completed	96.15	8/6/2024	8/7/2024		
Final Exam: IS-0020.23: Diversity Awareness Course 2023	Test	Completed	96.00	5/11/2023	5/11/2023		
Final Exam: IS-0021.21: Civil Rights and FEMA Disaster Assistance	Test	Completed	90.00	6/7/2021	6/7/2021		
Final Exam: IS-0021.23: Civil Rights and FEMA Disaster Assistance	Test	Completed	100.00	5/11/2023	5/11/2023		
Final Exam: IS-0038: Fraud Awareness and Prevention	Test	Completed	80.00	4/15/2022	4/15/2022		
Final Exam: IS-0038: Fraud Awareness and Prevention	Test	Completed	96.43	9/18/2024	9/18/2024		
Final Exam: IS-0038: Fraud Awareness and Prevention	Test	Completed	90.00	5/27/2021	5/27/2021		

Title	Type	Status	Score	Start Date	Completion Date	Expiration Date	Credits
Final Exam: IS-0038: Fraud Awareness and Prevention	Test	Completed	100.00	4/15/2022	4/15/2022		
Final Exam: IS-0368 Including People with Disabilities and Others with Access and Functional Needs in Disaster Operations	Test	Completed	88.57	7/9/2021	7/9/2021		
Final Exam: IS-0368 Including People with Disabilities and Others with Access and Functional Needs in Disaster Operations	Test	Completed	88.57	8/27/2020	8/27/2020		
Final Exam: IS-100.b - Introduction to the Incident Command System (ICS 100)	Test	Completed	92.00	1/7/2014	1/7/2014		
Final Exam: IS-106.14: Workplace Violence Awareness Training	Test	Completed	100.00	3/18/2014	3/18/2014		
Final Exam: IS-106.15: Workplace Violence Awareness Training 2015	Test	Completed	90.00	4/22/2015	4/22/2015		
Final Exam: IS-106.16: Workplace Violence Awareness Training 2016	Test	Completed	100.00	4/11/2016	4/11/2016		
Final Exam: IS-106.17: Workplace Violence Awareness Training 2017	Test	Completed	100.00	2/6/2017	2/6/2017		
Final Exam: IS-107.17: FEMA Travel Rules and Regulations 2017	Test	Completed	100.00	7/3/2017	7/3/2017		
Final Exam: IS-18.14 - FEMA EEO Employee Course 2014	Test	Completed	100.00	3/14/2014	3/14/2014		
Final Exam: IS-18.16: FEMA EEO Employee Course 2016	Test	Completed	80.77	4/11/2016	4/11/2016		

Title	Type	Status	Score	Start Date	Completion Date	Expiration Date	Credits
Final Exam: IS-18.20: FEMA EEO Employee Course 2020	Test	Completed	84.62	8/3/2020	9/28/2020		
Final Exam: IS-18.20: FEMA EEO Employee Course 2020	Test	Completed		8/3/2020	8/3/2020		
Final Exam: IS-18.21: FEMA EEO Employee Course 2021	Test	Completed	92.31	5/28/2021	5/28/2021		
Final Exam: IS-18.22: FEMA EEO Employee Course 2022	Test	Completed	92.31	4/15/2022	4/15/2022		
Final Exam: IS-18.23: FEMA EEO Employee Course 2023	Test	Completed	96.15	5/10/2023	5/10/2023		
Final Exam: IS-19.14 - FEMA EEO Supervisor Course 2014 Course	Test	Completed	100.00	3/14/2014	3/14/2014		
Final Exam: IS-19.21: FEMA EEO Supervisor Course 2021	Test	Completed	92.31	5/28/2021	5/28/2021		
Final Exam: IS-19.22: FEMA EEO Supervisor Course 2022	Test	Completed	96.15	4/15/2022	4/15/2022		
Final Exam: IS-20.14: Diversity Awareness 2014	Test	Completed	100.00	3/14/2014	3/14/2014		
Final Exam: IS-20.16: Diversity Awareness Course 2016	Test	Completed	84.00	4/11/2016	4/11/2016		
Final Exam: IS-20.20: Diversity Awareness Course 2020	Test	Completed	88.00	9/29/2020	9/30/2020		
Final Exam: IS-20.21: Diversity Awareness Course 2021	Test	Completed	96.00	6/8/2021	6/8/2021		

Title	Type	Status	Score	Start Date	Completion Date	Expiration Date	Credits
Final Exam: IS-200.b DONOTUSE01	Test	Completed	52.17	1/7/2014	1/7/2014		
Final Exam: IS-200.b DONOTUSE01	Test	Completed	56.52	1/7/2014	1/7/2014		
Final Exam: IS-200.b DONOTUSE01	Test	Completed	100.00	1/7/2014	1/7/2014		
Final Exam: IS-200.b ICS for Single Resources and Initial Action Incidents	Test	Completed	90.91	6/8/2015	6/8/2015		
Final Exam: IS-201 Forms Used for the Development of the Incident Action Plan	Test	Completed	100.00	12/30/2014	12/30/2014		
Final Exam: IS-21.14: Civil Rights and FEMA Disaster Assistance 2014	Test	Completed	100.00	3/14/2014	3/14/2014		
Final Exam: IS-21.15: Civil Rights and FEMA Disaster Assistance	Test	Completed	100.00	4/22/2015	4/22/2015		
Final Exam: IS-21.16: Civil Rights and FEMA Disaster Assistance	Test	Completed	100.00	4/11/2016	4/11/2016		
Final Exam: IS-21.20: Civil Rights and FEMA Disaster Assistance	Test	Completed	100.00	8/3/2020	8/3/2020		
Final Exam: IS-240.b Leadership and Influence	Test	Completed	94.44	12/29/2014	12/29/2014		
Final Exam: IS-241.b Decision Making and Problem Solving	Test	Completed	83.33	3/15/2021	3/15/2021		
Final Exam: IS-250.a (ESF 15) External Affairs: A New Approach to Emergency Communication and Information Distribution	Test	Completed	100.00	12/30/2014	12/30/2014		

Title	Type	Status	Score	Start Date	Completion Date	Expiration Date	Credits
Final Exam: IS-2900 National Disaster Recovery Framework (NDRF) Overview	Test	Completed	84.00	6/1/2016	6/1/2016		
Final Exam: IS-325: Earthquake Basics: Science, Risk, and Mitigation	Test	Completed	100.00	12/30/2014	12/30/2014		
Final Exam: IS-33.14 - FEMA Initial Ethics Orientation 2014	Test	Completed	100.00	3/14/2014	3/14/2014		
Final Exam: IS-33.15: FEMA Initial Ethics Orientation 2015	Test	Completed	100.00	1/5/2015	1/5/2015		
Final Exam: IS-33.16: FEMA Initial Ethics Orientation 2016	Test	Completed	100.00	4/11/2016	4/11/2016		
Final Exam: IS-35.14 - FEMA Safety Orientation 2014	Test	Completed	94.44	1/10/2014	1/10/2014		
Final Exam: IS-35.14 - FEMA Safety Orientation 2014	Test	Completed	94.44	1/10/2014	1/10/2014		
Final Exam: IS-35.14 - FEMA Safety Orientation 2014	Test	Completed	100.00	1/14/2014	3/14/2014		
Final Exam: IS-35.15: FEMA Safety Orientation 2015	Test	Completed	83.33	1/6/2015	1/6/2015		
Final Exam: IS-35.16: FEMA Safety Orientation 2016	Test	Completed	100.00	4/11/2016	4/11/2016		
Final Exam: IS-35.20: FEMA Safety Orientation 2020	Test	Completed	100.00	2/19/2021	2/19/2021		
Final Exam: IS-35.20: FEMA Safety Orientation 2020	Test	Completed	100.00	1/27/2021	1/27/2021		

Title	Type	Status	Score	Start Date	Completion Date	Expiration Date	Credits
Final Exam: IS-35.20: FEMA Safety Orientation 2020	Test	Completed	94.44	8/3/2020	8/3/2020		
Final Exam: IS-35.21: FEMA Safety Orientation 2021	Test	Completed	100.00	6/8/2021	6/8/2021		
Final Exam: IS-35.23: FEMA Safety Orientation 2023	Test	Completed	94.44	5/11/2023	5/11/2023		
Final Exam: IS-37 Managerial Safety and Health	Test	Completed	100.00	1/10/2014	1/10/2014		
Final Exam: IS-37 Managerial Safety and Health	Test	Completed	60.00	1/10/2014	1/10/2014		
Final Exam: IS-37.21 Managerial Safety and Health	Test	Completed	90.00	4/19/2021	4/19/2021		
Final Exam: IS-37.22 Managerial Safety and Health	Test	Completed	100.00	4/19/2022	4/19/2022		
Final Exam: IS-37.23 Managerial Safety and Health	Test	Completed	100.00	5/10/2023	5/10/2023		
Final Exam: IS-38.14 - Fraud Awareness and Prevention	Test	Completed	100.00	1/25/2014	1/25/2014		
Final Exam: IS-38.15: Fraud Awareness and Prevention	Test	Completed	80.00	1/5/2015	1/5/2015		
Final Exam: IS-38.16: Fraud Awareness and Prevention	Test	Completed	80.00	4/11/2016	4/11/2016		
Final Exam: IS-38.16: Fraud Awareness and Prevention	Test	Started		6/1/2016			

Title	Type	Status	Score	Start Date	Completion Date	Expiration Date	Credits
Final Exam: IS-38.20: Fraud Awareness and Prevention	Test	Completed	100.00	9/2/2020	9/2/2020		
Final Exam: IS-546.a - Continuity of Operations (COOP) Awareness	Test	Completed	100.00	3/14/2014	3/14/2014		
Final Exam: IS-547.a - Introduction to Continuity of Operations	Test	Completed	80.00	6/2/2016	6/2/2016		
Final Exam: IS-547.a - Introduction to Continuity of Operations	Test	Started		6/2/2016			
Final Exam: IS-556 Damage Assessment for Public Works	Test	Completed	100.00	12/31/2014	12/31/2014		
Final Exam: IS-558 Public Works and Disaster Recovery	Test	Completed	100.00	12/23/2014	12/23/2014		
Final Exam: IS-558 Public Works and Disaster Recovery	Test	Completed	100.00	12/23/2014	12/29/2014		
Final Exam: IS-559 Local Damage Assessment	Test	Completed	100.00	12/31/2014	12/31/2014		
Final Exam: IS-632.a Introduction to Debris Operations	Test	Completed	87.50	12/31/2014	12/31/2014		
Final Exam: IS-650.a Building Partnerships with Tribal Governments	Test	Completed	100.00	12/29/2014	12/29/2014		
Final Exam: IS-650.b: Building Partnerships with Tribal Governments	Test	Started	4.17	9/2/2020			
Final Exam: IS-650.b: Building Partnerships with Tribal Governments	Test	Completed	87.50	7/12/2021	7/12/2021		

Title	Type	Status	Score	Start Date	Completion Date	Expiration Date	Credits
Final Exam: IS-700.a - National Incident Management System (NIMS) - An Introduction	Test	Completed	75.00	1/8/2014	1/8/2014		
Final Exam: IS-700.a - National Incident Management System (NIMS) - An Introduction	Test	Completed	100.00	1/8/2014	1/8/2014		
Final Exam: IS-800.b - National Response Framework (NRF), An Introduction	Test	Completed	100.00	4/22/2015	4/22/2015		
Final Exam: IS-907 - Active Shooter: What You Can Do	Test	Completed	83.33	5/27/2015	5/27/2015		
Final Exam: IS-907 - Active Shooter: What You Can Do	Test	Completed	100.00	6/8/2021	6/8/2021		
Final Exam: IS-907 - Active Shooter: What You Can Do	Test	Completed	100.00	9/18/2024	9/18/2024		
Final Exam: IS-907 - Active Shooter: What You Can Do	Test	Completed	83.33	9/29/2020	9/29/2020		
Government Travel Card Training	Online	Completed	87.50	5/10/2023	5/10/2023		0 03 Continuing Education Unit
GovTA Employee (Virtual) (4)	Classroom	Enrolled		1/24/2024			
GovTA Supervisors (Virtual) (1)	Classroom	Started		1/29/2024			
GovTA Supervisors (Virtual) (13)	Classroom	Enrolled		11/18/2024			
Group Facilitation (2)	Classroom	Enrolled 000223		10/3/2016			

Title	Type	Status	Score	Start Date	Completion Date	Expiration Date	Credits
Group Facilitation (2)	Classroom	Enrolled		10/3/2016			
Human Trafficking Awareness Training for DHS Personnel	Online	Started		6/19/2019			
Human Trafficking Awareness Training for DHS Personnel	Online	Completed	100.00	3/9/2016	3/11/2016		1.03 Continuing Education Unit
Introduction to ADR & Conflict Resolution (4)	Classroom	Completed		11/5/2011	11/5/2011		
IS-0018.20: FEMA EEO Employee Course 2020	Online	Completed		8/3/2020	8/3/2020		0.103 Continuing Education Unit
IS-0018.20: FEMA EEO Employee Course 2020	Online	Completed		8/3/2020	9/28/2020		0.103 Continuing Education Unit
IS-0018.21: FEMA EEO Employee Course 2021	Online	Completed		5/28/2021	5/28/2021		0.03 Continuing Education Unit
IS-0018.22: FEMA EEO Employee Course 2022	Online	Completed		4/15/2022	4/15/2022		0.103 Continuing Education Unit

Title	Type	Status	Score	Start Date	Completion Date	Expiration Date	Credits
IS-0018.23: FEMA EEO Employee Course 2023	Online	Completed		5/10/2023	5/10/2023		0.1 03 Continuing Education Unit
IS-0019.21: FEMA EEO Supervisor Course 2021	Online	Completed		5/28/2021	5/28/2021		0.1 03 Continuing Education Unit
IS-0019.22: FEMA EEO Supervisor Course 2022	Online	Completed		4/15/2022	4/15/2022		0.3 03 Continuing Education Unit
IS-0019.23: FEMA EEO Supervisor Course 2023	Online	Completed		5/10/2023	5/10/2023		0.1 03 Continuing Education Unit
IS-0019.24: FEMA EEO Supervisor Course 2024	Online	Completed		8/6/2024	8/7/2024		
IS-0020.20: Diversity Awareness Course 2020	Online	Completed		9/29/2020	9/29/2020		0 03 Continuing Education Unit
IS-0020.21: Diversity Awareness Course 2021	Online	Completed	0.00	6/8/2021	6/8/2021		0.1 03 Continuing Education Unit

Title	Type	Status	Score	Start Date	Completion Date	Expiration Date	Credits
IS-0020.23: Diversity Awareness Course 2023	Online	Completed		5/11/2023	5/11/2023		0.1 03 Continuing Education Unit
IS-0021.20 Civil Rights and FEMA Disaster Assistance 2020	Online	Completed		8/3/2020	8/3/2020		0.1 03 Continuing Education Unit
IS-0021.21 Civil Rights and FEMA Disaster Assistance 2021	Online	Completed		6/7/2021	6/7/2021		0.1 03 Continuing Education Unit
IS-0021.23 Civil Rights and FEMA Disaster Assistance 2023	Online	Completed		5/11/2023	5/11/2023		0.1 03 Continuing Education Unit
IS-0029.A Public Information Officer Awareness	Online	Completed		1/6/2015	1/6/2015		0.02 03 Continuing Education Unit
IS-0035.20 - FEMA Safety Orientation	Online	Completed		2/19/2021	2/19/2021		0.2 03 Continuing Education Unit
IS-0035.20 - FEMA Safety Orientation	Online	Completed		1/27/2021	1/27/2021		0.2 03 Continuing Education Unit

Title	Type	Status	Score	Start Date	Completion Date	Expiration Date	Credits
IS-0035.20 - FEMA Safety Orientation	Online	Completed	0.00	8/3/2020	8/3/2020		0.2 03 Continuing Education Unit
IS-0035.21 - FEMA Safety Orientation	Online	Completed		6/8/2021	6/8/2021		0.2 03 Continuing Education Unit
IS-0035.23 - FEMA Safety Orientation	Online	Completed		5/11/2023	5/11/2023		0.2 03 Continuing Education Unit
IS-0037.21: Managerial Safety and Health	Online	Completed		4/19/2021	4/19/2021		0.2 03 Continuing Education Unit
IS-0037.22: Managerial Safety and Health	Online	Completed		4/19/2022	4/19/2022		0.2 03 Continuing Education Unit
IS-0037.23: Managerial Safety and Health	Online	Completed		5/10/2023	5/10/2023		0.2 03 Continuing Education Unit
IS-0038.20: Fraud Awareness and Prevention	Online	Completed	0.00	9/2/2020	9/2/2020		0.1 03 Continuing Education Unit

Title	Type	Status	Score	Start Date	Completion Date	Expiration Date	Credits
IS-0038: Fraud Awareness and Prevention	Online	Completed		4/15/2022	4/15/2022		0.1 03 Continuing Education Unit
IS-0038: Fraud Awareness and Prevention	Online	Completed		9/18/2024	9/18/2024		
IS-0038: Fraud Awareness and Prevention	Online	Completed		5/27/2021	5/27/2021		0.1 03 Continuing Education Unit
IS-0038: Fraud Awareness and Prevention	Online	Completed		5/10/2023	5/10/2023		0.1 03 Continuing Education Unit
IS-0038: Fraud Awareness and Prevention	Online	Completed		4/15/2022	4/15/2022		0.1 03 Continuing Education Unit
IS-0038: Fraud Awareness and Prevention	Online	Completed		8/7/2024	8/7/2024		
IS-0075: Military Resources in Emergency Management	Online	Completed	0.00	6/23/2020	6/23/2020		0 03 Continuing Education Unit
IS-0201: Forms Used for the Development of the Incident Action Plan	Online	Completed		12/30/2014	12/30/2014		0.3 03 Continuing Education Unit

Title	Type	Status	Score	Start Date	Completion Date	Expiration Date	Credits
IS-0240.b - Leadership and Influence	Online	Completed		12/24/2014	12/29/2014		0.3 03 Continuing Education Unit
IS-0241.b: Decision-Making and Problem-Solving	Online	Completed	0.00	3/15/2021	3/15/2021		0.2 03 Continuing Education Unit
IS-0293: Mission Assignment Overview	Online	Completed		1/22/2021	1/27/2021		0.3 03 Continuing Education Unit
IS-0368: Including People with Disabilities and Others with Access and Functional Needs in Disaster Operations	Online	Completed		7/9/2021	7/9/2021		0.2 03 Continuing Education Unit
IS-0368: Including People with Disabilities and Others with Access and Functional Needs in Disaster Operations	Online	Completed		8/27/2020	8/27/2020		0.2 03 Continuing Education Unit
IS-0520 - Introduction to Continuity of Operations Planning for Pandemic Influenzas	Online	Completed		1/6/2015	1/7/2015		0.1 03 Continuing Education Unit
IS-0650.b: Building Partnerships with Tribal Governments	Online	Pending Test		9/2/2020			

Title	Type	Status	Score	Start Date	Completion Date	Expiration Date	Credits
IS-0650.b: Building Partnerships with Tribal Governments	Online	Completed		7/12/2021	7/12/2021		0.03 Continuing Education Unit
IS-0907 - Active Shooter: What You Can Do	Online	Completed		8/3/2020	8/3/2020		0.103 Continuing Education Unit
IS-0907 - Active Shooter: What You Can Do	Online	Completed		9/2/2020	9/2/2020		0.103 Continuing Education Unit
IS-0907 - Active Shooter: What You Can Do	Online	Completed		6/8/2021	6/8/2021		0.103 Continuing Education Unit
IS-0907 - Active Shooter: What You Can Do	Online	Completed		9/18/2024	9/18/2024		
IS-0907 - Active Shooter: What You Can Do	Online	Completed		5/10/2023	5/10/2023		0.103 Continuing Education Unit
IS-0907 - Active Shooter: What You Can Do	Online	Completed		8/7/2024	8/7/2024		0.103 Continuing Education Unit

Title	Type	Status	Score	Start Date	Completion Date	Expiration Date	Credits
IS-100.b - Introduction to the Incident Command System (ICS 100)	Online	Completed		1/7/2014	1/7/2014		0.3 03 Continuing Education Unit
IS-101 Deployment Basics: Federal Disaster Workforce Readiness	Online	Completed	95.83	7/27/2009	7/27/2009		
IS-101.a Deployment Basics	Online	Completed		11/5/2011	11/5/2011		
IS-106.13 - Workplace Violence Awareness Training 2013	Online	Started		1/7/2014			
IS-106.14 - Workplace Violence Awareness Training 2014	Online	Completed		3/18/2014	3/18/2014		
IS-106.15 - Workplace Violence Awareness Training 2015.1	Online	Completed		4/22/2015	4/22/2015		
IS-106.16 - Workplace Violence Awareness Training 2016	Online	Completed		4/18/2016	4/18/2016		
IS-106.17: Workplace Violence Awareness Training 2017	Online	Started		2/6/2017			
IS-18 - EEO Employee Course, Equal Employment Opportunities for FEMA Employees	Online	Started		4/6/2007			
IS-18.14 - FEMA EEO Employee Course 2014	Online	Completed		3/14/2014	3/14/2014		
IS-18.16 - FEMA EEO Employee Course 2016	Online	Completed		4/18/2016	4/18/2016		
IS-19 - EEO Supervisor Course	Online	Completed	100.00	5/18/2009	5/18/2009		

Title	Type	Status	Score	Start Date	Completion Date	Expiration Date	Credits
IS-19.14 - FEMA EEO Supervisor Course 2014 Course	Online	Completed		3/14/2014	3/14/2014		
IS-20.14 - Diversity Awareness Course 2014	Online	Completed		3/14/2014	3/14/2014		
IS-20.16 Diversity Awareness Course 2016	Online	Completed		4/18/2016	4/18/2016		
IS-200.b - ICS for Single Resources and Initial Action Incidents	Online	Completed		12/18/2013	1/6/2014		0.3 03 Continuing Education Unit
IS-21.14 Civil Rights and FEMA Disaster Assistance 2014	Online	Completed		3/14/2014	3/14/2014		
IS-21.16 Civil Rights and FEMA Disaster Assistance 2016	Online	Completed		4/22/2016	4/22/2016		
IS-250.a: Emergency Support Function 15 (ESF15) External Affairs	Online	Completed		12/30/2014	12/30/2014		0.1 03 Continuing Education Unit
IS-2900 - National Disaster Recovery Framework (NDRF) Overview	Online	Completed		6/1/2016	6/1/2016		0.2 03 Continuing Education Unit
IS-325: Earthquake Basics: Science, Risk, and Mitigation	Online	Completed		12/30/2014	12/30/2014		0 03 Continuing Education Unit

Title	Type	Status	Score	Start Date	Completion Date	Expiration Date	Credits
IS-33.14 - FEMA Initial Ethics Orientation 2014	Online	Completed		1/25/2014	3/14/2014		
IS-33.15 - FEMA Initial Ethics Orientation 2015	Online	Completed		1/5/2015	1/5/2015		
IS-33.16 - FEMA Initial Ethics Orientation 2016	Online	Completed		4/22/2016	4/22/2016		0.1 03 Continuing Education Unit
IS-35.14 - FEMA Safety Orientation 2014	Online	Completed		1/10/2014	1/10/2014		
IS-35.15 - FEMA Safety Orientation 2015	Online	Completed		1/5/2015	1/5/2015		
IS-35.16 - FEMA Safety Orientation 2016	Online	Completed		4/22/2016	4/22/2016		
IS-37 Managerial Safety and Health (2015)	Online	Completed		1/10/2014	1/10/2014		
IS-38 Fraud Awareness and Prevention (2014)	Online	Completed		12/14/2012	12/14/2012		
IS-38.14 Fraud Awareness and Prevention (2015)	Online	Completed		1/25/2014	1/25/2014		
IS-38.15 Fraud Awareness and Prevention (2016)	Online	Completed		1/5/2015	1/5/2015		
IS-38.16 Fraud Awareness and Prevention	Online	Completed		6/1/2016	6/1/2016		
IS-450 - Emergency Preparedness for Federal Employees	Online	Completed	90.00	1/8/2014	1/8/2014		1 03 Continuing Education Unit

Title	Type	Status	Score	Start Date	Completion Date	Expiration Date	Credits
IS-450.NC - Emergency Preparedness for Federal Employees in the National Capital Region 2013	Online	Completed	80.00	1/7/2014	1/8/2014		1 03 Continuing Education Unit
IS-451 - Anthrax Awareness	Online	Completed	75.00	5/27/2015	6/2/2016		0.2 03 Continuing Education Unit
IS-452 - Points of Dispensing Team Training	Online	Completed	80.00	5/27/2015	12/3/2020		0.2 03 Continuing Education Unit
IS-5.a An Introduction to Hazardous Materials	Online	Completed		1/6/2015	1/7/2015		0.2 03 Continuing Education Unit
IS-526 Mission Essential Functions Course	Online	Completed		1/6/2015	1/6/2015		
IS-546.a - Continuity of Operations (COOP) Awareness	Online	Completed		3/14/2014	3/14/2014		0.1 03 Continuing Education Unit
IS-546.a - Continuity of Operations (COOP) Awareness (2011)	Online	Completed	93.33	4/28/2011	4/28/2011		
IS-547.a - Introduction to Continuity of Operations	Online	Completed		6/2/2016	6/2/2016		0.2 03 Continuing Education Unit

Title	Type	Status	Score	Start Date	Completion Date	Expiration Date	Credits
IS-556: Damage Assessment for Public Works	Online	Completed		12/30/2014	12/31/2014		0.3 03 Continuing Education Unit
IS-558 Public Works and Disaster Recovery	Online	Completed		12/23/2014	12/23/2014		0.3 03 Continuing Education Unit
IS-559 Local Damage Assessment	Online	Completed		12/30/2014	12/31/2014		0.2 03 Continuing Education Unit
IS-632.a Introduction to Debris Operations	Online	Completed		12/30/2014	12/31/2014		0.2 03 Continuing Education Unit
IS-650.a Building Partnerships with Tribal Governments	Online	Completed		12/29/2014	12/29/2014		0.4 03 Continuing Education Unit
IS-700.a - National Incident Management System (NIMS) - An Introduction	Online	Completed		12/3/2013	12/18/2013		0.3 03 Continuing Education Unit
IS-701.a - NIMS Multiagency Coordination Systems	Online	Started		6/2/2016			

Title	Type	Status	Score	Start Date	Completion Date	Expiration Date	Credits
IS-800.b - National Response Framework (NRF), An Introduction	Online	Completed		4/22/2015	4/22/2015		0.3 03 Continuing Education Unit
IS-800.B - National Response Framework, An Introduction - 2011	Online	Completed		11/7/2011	11/7/2011		
IS-907 - Active Shooter: What You Can Do	Online	Completed		5/27/2015	5/27/2015		1 03 Continuing Education Unit
Legal Responsibility – Office of Chief Counsel (OCC) Perspective Training, Spring 2021 (1)	Classroom	Completed		5/25/2021	5/25/2021		0 03 Continuing Education Unit
Management Development Program (or Equivalent) (1)	Classroom	Completed		12/13/2023	12/13/2023		
Mandatory Supervisory Training - Continual Learning (Self-Certification)	Online	Completed		3/12/2024	3/27/2024		
Mandatory Supervisory Training – Give Back (Self-Certification)	Online	Completed		7/26/2022	7/26/2022		0 03 Continuing Education Unit
Mandatory Training Calendar Year 2014 PFT/CORE	Curriculum	Completed		12/14/2012	3/18/2014		
Mandatory Training Calendar Year 2015 PFT/CORE	Curriculum	Completed		2/19/2015	6/8/2015		

Title	Type	Status	Score	Start Date	Completion Date	Expiration Date	Credits
Mandatory Training Calendar Year 2017 PFT/CORE	Curriculum	Completed		3/9/2016	6/19/2019		
Monthly Readiness Day Training (33)	Classroom	Enrolled		6/10/2015			
Monthly Readiness Day Training (42)	Classroom	Enrolled		3/9/2016			
Monthly Readiness Day Training (43)	Classroom	Waitlisted		8/10/2016			
Monthly Readiness Day Training (47)	Classroom	Completed		2/8/2017	2/8/2017		1 03 Continuing Education Unit
Monthly Readiness Day Training (77)	Classroom	Enrolled		10/13/2020			
Monthly Readiness Day Training (80)	Classroom	Completed		1/13/2021	1/13/2021		1 03 Continuing Education Unit
OGE 450 Filers-Annual Ethics Training 2024	Online	Completed		1/17/2024	1/17/2024		
OGE 450 Filers-Annual Ethics Training 2025	Online	Completed		2/7/2025	2/7/2025		
Operations Security (OPSEC) Fundamentals (15)	Classroom	Completed		1/13/2022	1/13/2022		0 03 Continuing Education Unit
Operations Security (OPSEC) Fundamentals (19)	Classroom	Completed		5/23/2022	5/23/2022		0 03 Continuing Education Unit

Title	Type	Status	Score	Start Date	Completion Date	Expiration Date	Credits
Operations Security (OPSEC) Fundamentals (3)	Classroom	Completed		7/14/2021	7/14/2021		0 03 Continuing Education Unit
OPSEC and Social Networking (298)	Classroom	Enrolled		4/29/2015			
OPSEC and Social Networking (304)	Classroom	Completed		4/30/2015	4/30/2015		
OPSEC Basic Awareness	Online	Completed	90.00	8/7/2024	8/29/2024		
OPSEC Security (OPSEC) Fundamentals	Online	Completed		12/28/2016	8/26/2020		0 03 Continuing Education Unit
OPSEC Security (OPSEC) Fundamentals	Online	Completed		1/14/2014	1/25/2014		0 03 Continuing Education Unit
OSC Supervisory Whistleblower Training (Prohibited Personnel Practices)	Online	Completed		4/19/2021	4/19/2021		0 03 Continuing Education Unit
OSC Supervisory Whistleblower Training (Prohibited Personnel Practices)	Online	Completed		4/19/2022	4/19/2022		0 03 Continuing Education Unit

Title	Type	Status	Score	Start Date	Completion Date	Expiration Date	Credits
OSC Supervisory Whistleblower Training (Prohibited Personnel Practices)	Online	Completed		8/3/2020	8/3/2020		0 03 Continuing Education Unit
OSC Supervisory Whistleblower Training (Prohibited Personnel Practices)	Online	Completed		8/7/2024	8/7/2024		
Performance Culture – Goal Setting (8)	Classroom	Completed		1/22/2021	1/22/2021		0 03 Continuing Education Unit
Performance Culture - Performance Management Policy & Process (30)	Classroom	Completed		9/13/2022	9/13/2022		0 03 Continuing Education Unit
Performance Culture - Reservist Performance Management Program FD 255-7 (49)	Classroom	Completed		3/28/2024	3/28/2024		
Personnel Standards of Conduct FEMA Directive 123-0-2-1	Online	Completed		3/19/2021	3/19/2021		0 03 Continuing Education Unit
Personnel Standards of Conduct FEMA Directive 123-0-2-1	Online	Completed		12/14/2020	12/14/2020		0 03 Continuing Education Unit
Planning for Retirement Seminar (70)	Classroom	Class Cancelled		8/31/2020			

Title	Type	Status	Score	Start Date	Completion Date	Expiration Date	Credits
Preventing and Addressing Workplace Harassment	Online	Completed	90.00	9/21/2020	9/21/2020		0 03 Continuing Education Unit
Preventing and Addressing Workplace Harassment	Online	Completed	100.00	6/28/2019	6/28/2019		0 03 Continuing Education Unit
Preventing and Addressing Workplace Harassment	Online	Completed	32.00	6/28/2019	6/28/2019		0 03 Continuing Education Unit
Preventing and Addressing Workplace Harassment	Online	Completed	86.00	2/19/2021	2/19/2021		0 03 Continuing Education Unit
Preventing and Addressing Workplace Harassment	Online	Completed	98.00	5/11/2023	5/11/2023		0 03 Continuing Education Unit
Preventing and Addressing Workplace Harassment	Online	Completed	98.00	2/19/2021	2/19/2021		0 03 Continuing Education Unit
Preventing Workplace Harassment	Online	Completed		5/16/2018	5/16/2018		0 03 Continuing Education Unit

Title	Type	Status	Score	Start Date	Completion Date	Expiration Date	Credits
Preventing Workplace Harassment	Online	Completed	90.00	8/13/2024	9/18/2024		
Privacy at DHS: Protecting Personal Information	Online	Completed	100.00	6/1/2016	6/1/2016		0 03 Continuing Education Unit
Privacy at DHS: Protecting Personal Information	Online	Completed	100.00	2/7/2020	2/7/2020		0 03 Continuing Education Unit
Privacy at DHS: Protecting Personal Information	Online	Completed	100.00	5/27/2015	5/27/2015		0 03 Continuing Education Unit
Privacy at DHS: Protecting Personal Information	Online	Completed	100.00	1/7/2014	1/7/2014		0 03 Continuing Education Unit
Privacy at DHS: Protecting Personal Information	Online	Completed		8/13/2024	8/13/2024		
Privacy at DHS: Protecting Personal Information	Online	Completed	77.78	4/19/2021	4/19/2021		0 03 Continuing Education Unit
Privacy at DHS: Protecting Personal Information	Online	Completed		12/2/2021	12/2/2021		0 03 Continuing Education Unit

Title	Type	Status	Score	Start Date	Completion Date	Expiration Date	Credits
Ready.gov - Plan & Kit	Online	Completed		5/28/2015	5/28/2015		1 03 Continuing Education Unit
Records Management for Everyone	Online	Completed	90.91	3/23/2023	3/23/2023		1 03 Continuing Education Unit
Records Management for Everyone	Online	Completed	84.21	8/13/2024	8/29/2024		1 03 Continuing Education Unit
Records Management for Everyone	Online	Completed	90.91	4/19/2021	4/19/2021		1 03 Continuing Education Unit
Records Management for Everyone	Online	Completed	100.00	8/26/2020	8/26/2020		1 03 Continuing Education Unit
Records Management for Everyone	Online	Completed	90.91	12/2/2021	12/2/2021		1 03 Continuing Education Unit
Reg06 - Media Interview & Presentation Skills w/Mock Interviews (4)	Classroom	Completed		9/18/2023	9/18/2023		

Title	Type	Status	Score	Start Date	Completion Date	Expiration Date	Credits
Reg06: COOP/OEP Annual Regional Training (Denton Staff ONLY) FY25 (6)	Classroom	Completed		11/30/2023	11/30/2023		
Reg0612023: RTD - OPSEC Basic Awareness (1)	Classroom	Completed		1/12/2023	1/12/2023		0 03 Continuing Education Unit
Reg062022: COOP/OEP Regional Training (5)	Classroom	Completed		4/27/2022	4/27/2022		0 03 Continuing Education Unit
Reg062022: COOP/OEP Regional Training (7)	Classroom	Completed		8/11/2022	8/11/2022		0 03 Continuing Education Unit
Reg062023: RTD - COOP/OEP (1)	Classroom	Completed		4/13/2023	4/13/2023		0 03 Continuing Education Unit
Reg0622022: Records Management (1)	Classroom	Completed		2/10/2022	2/10/2022		0 03 Continuing Education Unit
Reg0622022: RTD Public Assistance Program Overview (1)	Classroom	Completed		2/10/2022	2/10/2022		0 03 Continuing Education Unit

Title	Type	Status	Score	Start Date	Completion Date	Expiration Date	Credits
Reg0632021: RTD Long Term Recovery Groups and Interagency Recovery Coordination (2)	Classroom	Completed		3/24/2021	3/24/2021		0 03 Continuing Education Unit
Reg0632021: RTD USA Jobs – Applying for Jobs and Resume Writing (2)	Classroom	Completed		3/24/2021	3/24/2021		0 03 Continuing Education Unit
Reg0632022: Procurements Under an Award (1)	Classroom	Completed		3/10/2022	3/10/2022		0 03 Continuing Education Unit
Reg0632024: RTD - Disability Integration (2)	Online	Enrolled		3/13/2024			
Reg0632024: RTD: USA Staffing MythBusters (1)	Online	Completed		3/14/2024	3/14/2024		
Reg0642021: RTD - Community Education and Outreach for Mitigation – More Than Just Handing Out Flyers at the Box Stores (2)	Classroom	Completed		4/28/2021	4/28/2021		0 03 Continuing Education Unit
Reg0642022: RTD - IA Program Overview (2)	Classroom	Completed		4/27/2022	4/27/2022		0 03 Continuing Education Unit
Reg0642023: RTD - Disability, Equity, and Inclusion Training (2)	Classroom	Completed		4/26/2023	4/26/2023		

Title	Type	Status	Score	Start Date	Completion Date	Expiration Date	Credits
Reg0642023: RTD - Regulations and Reimbursements: NFIP Communities After Disaster (2)	Classroom	Completed		4/26/2023	4/26/2023		
Reg0642024: RTD - Auditing and Sharing Flood Loss Data with NFIP-Participating Communities (1)	Classroom	Completed		4/11/2024	4/11/2024		
Reg0642024: RTD - Fire Management Assistance Grant (FMAG) Program (1)	Classroom	No Show		4/11/2024			
Reg0652021: Donations Management (1)	Classroom	Completed		5/13/2021	5/13/2021		0 03 Continuing Education Unit
Reg0652021: Medical Countermeasures (MCM) Training (1)	Classroom	Completed		5/13/2021	5/13/2021		0 03 Continuing Education Unit
Reg0652022 - RTD: PA Reimbursement for Building Codes & Floodplain Management Administration and Enforcement (1)	Classroom	Completed		5/12/2022	5/12/2022		0 03 Continuing Education Unit
Reg0652023: RTD - Debris Monitoring Overview (1)	Classroom	Completed		5/11/2023	5/11/2023		0 03 Continuing Education Unit
Reg0652023: RTD - ECAPS Basics (2)	Classroom	Completed		5/24/2023	5/24/2023		

Title	Type	Status	Score	Start Date	Completion Date	Expiration Date	Credits
Reg06Jan22: Flood Insurance is Changing--Risk Rating 2.0 (1)	Classroom	Completed		1/13/2022	1/13/2022		0 03 Continuing Education Unit
Region 6	Collaboration Space	Started		5/10/2021			
Safety Orientation (20)	Classroom	Completed		11/5/2011	11/5/2011		
Safety Orientation (21)	Classroom	Completed		10/15/2011	10/15/2011		
Security Awareness Briefing (35)	Classroom	Completed		11/5/2011	11/5/2011		
Security Education, Training, and Awareness (SETA): Operations Security (29)	Classroom	Completed		1/12/2023	1/12/2023		0 03 Continuing Education Unit
Security Education, Training, and Awareness (SETA): Operations Security (6)	Classroom	Started		12/15/2021			
Supervisor Continual Learning and Give-Back Requirements (25)	Classroom	Completed		1/9/2023	1/9/2023		
Supervisor Continual Learning and Give-Back Requirements (4)	Classroom	Completed		3/14/2022	3/14/2022		
Supervisor Continual Learning and Give-Back Requirements (7)	Classroom	Withdrawn		4/11/2022			

Title	Type	Status	Score	Start Date	Completion Date	Expiration Date	Credits
Supervisory Essentials (36)	Classroom	Completed		3/15/2021	3/19/2021		0 03 Continuing Education Unit
Telework Fundamentals - Manager Training	Online	Started		6/3/2021			
The 21 Irrefutable Laws of Leadership by John Maxwell (First set of 7 Laws); Virtual and In Person (1)	Classroom	Completed		2/14/2022	2/14/2022		0 03 Continuing Education Unit
The Anti-Deficiency Act: How to Comply and Stop Violations	Online	Completed	100.00	3/30/2021	3/30/2021		0 03 Continuing Education Unit
The Anti-Deficiency Act: How to Comply and Stop Violations	Online	Completed	100.00	5/11/2023	5/11/2023		0 03 Continuing Education Unit
Travel Charge Card Training (DHS Mandatory) (2014)	Online	Started		7/3/2017			
Travel Charge Card Training (DHS Mandatory) (2014)	Online	Completed	98.00	11/29/2013	12/3/2013		
Unauthorized Disclosures of Classified or Controlled Unclassified Information	Online	Completed		10/25/2017	10/25/2017		1 03 Continuing Education Unit

Title	Type	Status	Score	Start Date	Completion Date	Expiration Date	Credits
Understanding FEMA's Drug Free Workplace Policy	Online	Completed		5/10/2023	5/10/2023		0 03 Continuing Education Unit
Understanding FEMA's Drug Free Workplace Policy	Online	Completed		3/5/2021	3/5/2021		0 03 Continuing Education Unit
Understanding FEMA's Drug Free Workplace Policy	Online	Completed		8/18/2022	8/18/2022		0 03 Continuing Education Unit
Understanding FEMA's Drug Free Workplace Policy	Online	Completed	83.33	8/27/2024	9/17/2024		
Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA)	Online	Completed	100.00	8/27/2024	8/27/2024		
Uniformed Services Employment and Reemployment Rights Act (USERRA)	Online	Completed	100.00	4/15/2022	4/15/2022		0 03 Continuing Education Unit
Uniformed Services Employment and Reemployment Rights Act (USERRA)	Online	Completed		3/5/2021	3/5/2021		0 03 Continuing Education Unit
Uniformed Services Employment and Reemployment Rights Act (USERRA) (2015)	Online	Completed		3/14/2014	3/14/2014		1 04 Not Applicable

Title	Type	Status	Score	Start Date	Completion Date	Expiration Date	Credits
Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA)	Online	Completed	100.00	5/10/2023	5/10/2023		0 03 Continuing Education Unit
Using Business and Financial Measures in Six Sigma	Online	Enrolled		3/12/2024			
Veteran Employment Training for Federal Hiring Managers (SO)	Online	Completed		1/14/2014	1/14/2014		1 03 Continuing Education Unit
Veteran Employment Training for Human Resource Professionals (SO)	Online	Completed		1/14/2014	1/14/2014		
Veterans Employment Training	Online	Completed	100.00	5/10/2023	5/10/2023		0 03 Continuing Education Unit
Veterans Employment Training	Online	Completed	100.00	3/29/2021	5/28/2021		0 03 Continuing Education Unit
Veterans Employment Training	Online	Completed	100.00	4/15/2022	4/15/2022		0 03 Continuing Education Unit
Veterans Employment Training	Online	Completed	90.00	8/27/2024	8/27/2024		

Title	Type	Status	Score	Start Date	Completion Date	Expiration Date	Credits
Vital Records Guidance	Online	Completed	94.00	6/1/2016	6/1/2016		1 03 Continuing Education Unit
Vital Records Guidance	Online	Completed	100.00	3/31/2015	3/31/2015		0.5 03 Continuing Education Unit
Vital Records Guidance (2014)	Online	Completed		12/14/2013	12/14/2013		
Working on Virtual Teams (ManagementConcepts.com) (1)	Classroom	Completed		3/9/2022	3/9/2022		0 03 Continuing Education Unit
Workshop - (CGE) Concur Government Edition Travel System Training for Users - Parts I and II (60)	Classroom	No Show		1/15/2014			
Workshop - Professional Development (85)	Classroom	Completed	100.00	3/11/2016	3/11/2016		
Workshop - Public Assistance (PA) (16)	Classroom	Completed		6/15/2013	6/15/2013		
Workshop - Public Assistance (PA) Alternative Procedures (6)	Classroom	Completed		5/6/2014	5/6/2014		

# TAB F-5

Affidavit of Donald Simko

## **Affidavit of Witness (Donald Simko)**

I, Donald Simko, County of **Denton** am an [ X ] employee of [ ] applicant to [ ] former employee of the U.S. Department of Homeland Security.

[FEMA]

[DENTON COUNTY]

[Office of Response and Recovery]

[Recovery Division]

[Public Assistance Branch]

Located in [Denton, TX]

In the capacity of [Public Assistance Branch Chief, GS-14] between [November 2019] and [Present]

My telephone number during working hours is [202-322-9591]

### **I HAVE BEEN ADVISED OF THE FOLLOWING:**

I have an obligation to cooperate fully with the investigator, who has been assigned to conduct a thorough and impartial investigation of my complaint of discrimination. Therefore, I must provide a statement for the investigative record which is true and complete to the best of my knowledge and belief and which fully addresses the issues accepted for investigation. My statement must be specific with regard to names, dates, places, circumstances, and related events, and disclose my firsthand knowledge of any information which is directly related to the issue(s). My statement, along with my Informal Complaint, Counselor's Summary Report, my Formal Complaint and the description of the issues for investigation shall serve as the basis for the investigation. While I may voluntarily submit any additional documents or information to the investigator for consideration, it will be the investigator's responsibility to determine what evidence shall actually become part of the investigative report. If there are any documents or facts which substantiate my allegations, I must provide them to the investigator or make them known to the investigator. I may suggest witnesses to be interviewed by the investigator. However, the investigator will decide which witnesses to interview based on relevant information he or she feels will be furnished.

My statement is made under oath (or affirmation) without a pledge of confidentiality; in accordance with the rules, regulations, policies and procedures of the Equal Employment Opportunity Commission and the Department of Agriculture. This means that any employee(s) whom I accuse of discrimination or other acts of impropriety may be shown relevant portions of this statement and be given an opportunity to respond. Agency officials responsible for processing complaints of discrimination will have access to the entire investigative report. If discrimination is found, any employee accused of discrimination will have an opportunity to review the report in

its entirety without deletions. Participants in the discrimination complaint process are specifically protected by law and the EEO regulations from any acts of reprisal, discrimination, coercion, harassment, restraint, or interference for their participation in the investigation and other phases of complaint processing.

I have the right to be represented by a person of my choice during presentation of complaint and preparation of my statement (so long as my choice does not result in a conflict of interest). I have [ ] have not [ x ] chosen a personal representative at this stage of my complaint. In the event I have not chosen a representative but obtain a representative at a later date, I will advise the investigator and the Director of Civil Rights in writing.

I have the right to review my statement prior to signing it and may make initial corrections if it is incomplete or inaccurate. I have a right to receive a copy of the signed statement. Having reviewed the preceding information with the investigator, I solemnly swear [x ] affirm [ ] that the statement that follows is true and complete to the best of my knowledge and belief and fully addresses the issues and allegations raised by me in my EEO complaint.

**Questions for Witness:**

1. What is your name, position, title, series, and grade? Donald Simko, PA Branch Chief, GS-14
2. Are you employed by FEMA? Yes
3. How long have you been employed with FEMA? Since November 2006.
4. How long have you held your current position? Since November 2019.
5. Who is your first line and second line supervisor? Please provide title and contact information. 1<sup>st</sup>: Arsany Thomas, Recovery Division Director ([Arsany.thomas@FEMA.dhs.gov](mailto:Arsany.thomas@FEMA.dhs.gov)) 2<sup>nd</sup>: Tony Robinson, Regional Administrator ([tony.robinson@FEMA.dhs.gov](mailto:tony.robinson@FEMA.dhs.gov))
6. How long have you been under their supervision? 2<sup>nd</sup>, since 2019. 1<sup>st</sup>, since 2022
7. Are you aware of the agency's policy on discrimination? Yes
8. Are you aware of the agency's policy on anti-harassment? Yes
9. When did you most recently complete No Fear Act training? 9/25/2024
10. How do you know Complainant? Yes
11. How would you describe your working relationship with him? He worked on the regions Public Assistance Field Team. I was his SOR second line supervisor.
12. For the record, what is your age? 50
13. Have you been involved in any EEO activity? If so, in what capacity? Yes, as a supervisor, I have been a witness in prior EEO cases and ADR sessions.
14. Were you aware of Complainant's race? I never received any demographic information about the Complainant.
15. If so, how'd you become aware? N/A
16. Were you aware of Complainant's EEO activity? I participate in ADR Mediation with the Complainant.
17. If so, how did you become aware? See above.
18. Did the Complainant inform you that he believed he was being harassed? No
19. If yes, when? N/A

20. If yes, what did he say? N/A
21. Did you ever witness Complainant being harassed? No
22. If yes, when and by whom was he harassed? N/A
23. If yes, describe what occurred? N/A

**1. On August 16, 2024, Complainant's Reasonable Accommodation request was denied.**

1. Are you the management official who failed to accommodate the Complainant's Reasonable Accommodation request on August 16, 2024? No
2. If so, please explain your reason for doing so. Yes
3. If not, are you aware of who may have done so? Yes.
4. Are you aware of the reasons behind the failure to accommodate the Complainant's request to be denied on August 16, 2024? Yes. Unable to complete essential functions of the position.
5. Who was responsible for processing the Complainant's reasonable accommodation request? 1<sup>st</sup> Line Supervisor, Anthony In.
6. What reasonable accommodation did the Complainant request? Full Time Remote Work (Telework)
7. How and to whom did the Complainant submit their request for a reasonable accommodation? FEMA Office of Civil Rights
8. Did the Complainant properly submit the reasonable accommodation request? Unknown.
9. When did the Complainant submit the request for a reasonable accommodation? Unknown.
10. What is the agency's policy on responding to and processing reasonable accommodation requests in a timely manner? Was this policy followed? I do not know the timeline for response.
11. How long should it take to process a request for a reasonable accommodation? I do not know the timeline for a response. The entire process has recently been changed.

12. Have any of the Complainant's reasonable accommodation requests been approved. If so, what were the circumstances? Complainant was provided a temporary reasonable accommodation approval until the OCR RA Specialist was assigned to the case and it was adjudicated.
13. Did you consult with anyone else in management, human resources or employee relations concerning this issue? Yes, the RA was the subject of a Alternative Dispute Resolution mediation.
14. If so, whom did you consult? Carletta McDowell (EEO Specialist) and Greta Schauer (Mediator)
15. If so, when and what was discussed? 12/4/2024. No notes were allowed for the ADR session.
16. If so, what response did you receive? N/A
17. Did the Complainant's disability play a role in management's decision to deny his reasonable accommodation request? No
18. Was the Complainant treated fairly and consistent with the Agency's policy and procedures? Yes
19. Is there anyone else you would like us to speak with that might have direct knowledge of this incident? No
20. If yes, please provide names and contact information as well as the direct knowledge they might provide. N/A
21. Is there anything else you would care to add? No

**Whether Complainant, Emergency Management Specialist, (Applicant), of Bellville, TX was discriminated against based on disability (physical) and age (1951) by management when the following incidents occurred:**

**2. On January 6, 2025, Complainant was terminated.**

22. Why was Complainant terminated on January 6, 2025? Office of Civil Rights could not find a re-assignment within the agency that met the Complainants requirements.
23. What was your role in this action? No role
24. Who else was involved in Complainant's termination? Labor Employee Relations
25. Was Complainant fully qualified for his position? The Complainant could not perform essential functions of his position.
26. What were the requirements of Complainant's position? Deploy to disaster locations, meet with State, Local, Territorial, and Tribal (SLTT) applicants to facilitate the formulation of Public Assistance Grants.
27. Was Complainant fully meeting these requirements? The Complainant stated he would not travel.
28. If not, please discuss, including actions took to improve his performance. We offered the ability to transfer to a non-deployment (office) position. The Complainant declined the transfer.
29. Had Complainant been counseled for performance issues during his appointment? No

30. If so, what was he counseled for?  
31. Were others treated differently who were not members in the Complainant's protected class? If so, please name and explain why. No  
32. Did Complainant's age and/or physical disability have anything to do with your actions in this matter? No  
33. In the past two years, who else have you terminated annotated by name, age and physical disability. I have not terminated any employee (including the complainant) within the last two years.  
34. Do you have any witnesses to support your contentions in this matter? The agency has records of whom signed termination actions.  
35. Identify by name, title, email, and nature of information to be provided.  
[OCHCO-DataManagement@fema.dhs.gov](mailto:OCHCO-DataManagement@fema.dhs.gov)

I have reviewed this statement, which consists of [4] pages and hereby solemnly swear (or affirm) that it is true and complete to the best of my knowledge and belief. I understand that the information I have given will not be held confidential and may be shown to the interested parties as well as made a permanent part of the Record of Investigation.

DONALD J  
SIMKO  
[AFFIANT]

Digitally signed by  
DONALD J SIMKO  
Date: 2025.04.14  
16:06:56 -05'00'

[DATE]

Signed on this day \_\_\_\_ 14th \_\_\_\_ of \_\_\_\_ April \_\_\_\_ , 2025

LAKISHA S  
WILSON  
(affiliate)

Digitally signed by  
LAKISHA S WILSON  
(affiliate)  
Date: 2025.04.14 17:16:09  
-04'00'

[INVESTIGATOR/WITNESS]

DJS : Initials

# TAB F-6

Affidavit of Russell Towndrow

## **Affidavit of Witness Russell Towndrow**

I, [Russell Towndrow County of **Harrison**] am an [ X ] employee of [ ] applicant to [ ] former employee of the U.S. Department of Agriculture.

**DHS FEMA**

**Washington DC**

**Public Assistance**

**Training Deliver Branch**

Located in **Washington DC**

In the capacity of PA Group Supervisor between 2017 and **Present**

My telephone number during working hours is **619-954-9446**

**I HAVE BEEN ADVISED OF THE FOLLOWING:**

I have an obligation to cooperate fully with the investigator, who has been assigned to conduct a thorough and impartial investigation of my complaint of discrimination. Therefore, I must provide a statement for the investigative record which is true and complete to the best of my knowledge and belief and which fully addresses the issues accepted for investigation. My statement must be specific with regard to names, dates, places, circumstances, and related events, and disclose my firsthand knowledge of any information which is directly related to the issue(s). My statement, along with my Informal Complaint, Counselor's Summary Report, my Formal Complaint and the description of the issues for investigation shall serve as the basis for the investigation. While I may voluntarily submit any additional documents or information to the investigator for consideration, it will be the investigator's responsibility to determine what evidence shall actually become part of the investigative report. If there are any documents or facts which substantiate my allegations, I must provide them to the investigator or make them known to the investigator. I may suggest witnesses to be interviewed by the investigator. However, the investigator will decide which witnesses to interview based on relevant information he or she feels will be furnished.

My statement is made under oath (or affirmation) without a pledge of confidentiality; in accordance with the rules, regulations, policies and procedures of the Equal Employment Opportunity Commission and the Department of Agriculture. This means that any employee(s) whom I accuse of discrimination or other acts of impropriety may be shown relevant portions of this statement and be given an opportunity to respond. Agency officials responsible for processing complaints of discrimination will have access to the entire investigative report. If discrimination is found, any employee accused of discrimination will have an opportunity to review the report in its entirety without deletions. Participants in the discrimination complaint process are specifically protected by law and the EEO regulations from any acts of reprisal, discrimination, coercion,

harassment, restraint, or interference for their participation in the investigation and other phases of complaint processing.

I have the right to be represented by a person of my choice during presentation of complaint and preparation of my statement (so long as my choice does not result in a conflict of interest). I have [ ] have not [ ] chosen a personal representative at this stage of my complaint. In the event I have not chosen a representative but obtain a representative at a later date, I will advise the investigator and the Director of Civil Rights in writing.

I have the right to review my statement prior to signing it and may make initialed corrections if it is incomplete or inaccurate. I have a right to receive a copy of the signed statement. Having reviewed the preceding information with the investigator, I solemnly swear [ X] affirm [ ] that the statement that follows is true and complete to the best of my knowledge and belief and fully addresses the issues and allegations raised by me in my EEO complaint.

**Questions for Witness:**

1. What is your name, position, title, series, and grade? PA Group Supervisor GS 13 step 4
2. Are you employed by FEMA? Yes
3. How long have you been employed with FEMA? 8 years
4. How long have you held your current position? 4 years
5. Who is your fist line and second line supervisor? Please provide title and contact information. Jay Armstrong Team Lead- joseph.armstrongiii@fema.dhs.gov  
504-232-6152, Michael Mahon Branch Lead michael.mahon@fema.dhs.gov  
202.717.6749
6. How long have you been under their supervision? 1 year
7. Are you aware of the agency's policy on discrimination? Yes
8. Are you aware of the agency's policy on anti-harassment? Yes
9. When did you most recently complete No Fear Act training? This year
10. How do you know Complainant? He was my TFL during Hurricane Ida
11. How would you describe your working relationship with him? We had a very good working relationship as Max was very good at his job.
12. For the record, what is your age? 50
13. Have you been involved in any EEO activity? If so, in what capacity? I once had a complaint against me that was dismissed and completely unfounded.
14. Werc you awarc of Complainant's EEO activity? No
15. If so, how did you become aware? N/A
16. Did the Complainant inform you that he believe he was being discriminated? Yes  
he did inform me that he was being denied reasonable accommodation and also was denied deployment.
17. If yes, when? 9/27/2024
18. If yes, what did he say? Please see attached documents and screen shots

**Whether Complainant, Emergency Management Specialist, (Applicant), of Bellville, TX was discriminated against based on disability (physical) and age (1951) by management when the following incidents occurred:**

**1. On August 16, 2024, Complainant's Reasonable Accommodation request was denied.**

19.What direct knowledge do you have regarding management denying the Complainant's Reasonable Accommodation request on August 16, 2024? Max informed me that he put in a request but was denied. See attached Screen Shot

20.Did Complainant speak with you about this matter? Yes Via TEAMS

21.If so, when and what was discussed? 12/5/2024 6:46 AM Max had told me that his request to remain virtual was denied

22.Do you believe that Complainant's age and physical disability were factors in the Complainant being denied their Reasonable Accommodation request on August 16, 2024? I honestly do not know why he was denied I can say that Max did an amazing job for me in a virtual role as a supervisor TFL

23.Is there anyone else that you think we should speak with that may have direct knowledge of this matter? No

24.If so, who and what information might they have? Please provide contact information. N/A

25.Is there anything else that you care to add? No

**Whether Complainant, Emergency Management Specialist, (Applicant), of Bellville, TX was discriminated against based on disability (physical) and age (1951) by management when the following incidents occurred:**

**2. On January 6, 2025, Complainant was terminated**

26. What direct knowledge do you have regarding management terminating the Complainant based on age and physical disability?  
Only the message I received from Max on 1/6 12:58 PM

27. Did Complainant speak with you about this matter? Yes

28. If so, when and what was discussed? 1/6 12:58 PM Max again told me that he would be losing his job with FEMA, No other discussion was had

29. Do you believe that age and physical disability were factors in management requesting the Complainant be terminated on January 6, 2025? I do not know to be certain what factors were considered by management. I can say Max was very valuable as a SME

30. Is there anyone else that you think we should speak with that may have direct knowledge of this matter? No

31. If so, who and what information might they have? Please provide contact information. N/A

32. Is there anything else that you care to add? No

I have reviewed this statement, which consists of [#] pages and hereby solemnly swear (or affirm) that it is true and complete to the best of my knowledge and belief. I understand that the information I have given will not be held confidential and may be shown to the interested parties as well as made a permanent part of the Record of Investigation.

RUSSELL M  Digitally signed by  
RUSSELL M TOWNDROW  
Date: 2025.04.30  
07:00:16 -05'00'

---

[AFFIANT]

---

[DATE]

Signed on this day \_\_\_\_\_ of \_\_\_\_\_, 2025

LAKISHA S WILSON  Digitally signed by LAKISHA S  
WILSON (affiliate)  
Date: 2025.05.01 14:10:47 -04'00'

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[INVESTIGATOR/WITNESS]

# TAB F-6a

Russell Towndrow correspondence with Complainant

Saturday, August 17, 2024

ndl, Max 8/17/2024 9:55 AM Edited

Bro.. things are going south very quickly... may be out of a job in mere weeks... \*\*\*\* Getting interesting... Email subject line... "Request to consider Reassignment - Reasonable Accommodation of Last Resort". Good morning, Max, after the interactive process considering your position description (attached), the essential functions of your position, and your request for an accommodation (to work from home 100%), management has denied your reasonable accommodation request for the reasons indicated in the attached 256-02 form.

If you believe that you are no longer able to perform the essential functions of your position, you may request that the Agency consider reassigning you if there is a funded, open position, consistent with page 19 of the attached FEMA Instruction on Reasonable Accommodation. Please note that all FEMA positions require the ability to deploy and other positions may not be able to facilitate an accommodation that requires 100% work from home without the ability to deploy.

If you would like to go this route, **please respond by COB no later than August 23, 2024.**

In my humble opinion...a very flawed process...

8/17/2024 10:

I don't know why they are dying on this

ndl, Max 8/17/2024 10:20 AM Edited

did the entire Ida gig as remote/telework and now they are saying that is not doable. I was just going thru the org charts, good thing I saved them, and all of that work was done telework.. I'm not giving up, before I'm either allowed to work again or dismissed... It will get fixed. there is so much wrong with what they did, interactive process my  
000263



Max 8/17/2024 12:33 PM Edited

should receive a g-drive link to the file, unzip and give me some feedback.

8/17/2024

Monday, August 19, 2024

Max 8/19/2024 2:36 PM

looking at it.. The majority of my time with FEMA has been in a virtual status.

1. Primarily due to declining health
2. A proactive SOR and assistive leadership sought out and provided an effective accommodation process that enabled me to enjoy the privileges and benefits of employment for over 3 years.
3. I have been,
  1. virtually deployed (03/2020-05/2023) 38 months (not including this year)
  2. physically deployed (09/2017-06/2018 (+/-) and 05/2023-11/2023. 15 months
  3. In office guess (06/2018-03/2020). 21 months

Friday, September 27, 2024

leindl, Max 9/27/2024 5:03 AM

R6 is an interesting experience... in a meeting, told not to accept any DTS requests without SOR permission, lots of work in R6, etc. and yet here I am wayyyyy under utilized, then a DTS pops up to deploy to NM and of course I'm in the final que for "accommodation of last resort", of which there has been no comms with me, EEO is supposed to be facilitating an ADR, deadline for "last resort" is 10/09/24, very interesting process with ONLY MY JOB ON THE LINE, and here I sit in never never land. This is so wrong Russ. The employer SHALL accommodate is how the law reads and then the director puts out her support for proper EEOC/disability rights and yet.... I lost my Rabbi when Mark Underhill retired, now there seems to be no thoughtful leadership to work with me, assist me, run interference for me.. truly unbelievable.. they just need to reassign my name to a new PIN somewhere.. for heavens sake..

yep, they know exactly what is and is not happening...

## Equal Employment Opportunity Reaffirmation Statement



Office of the Administrator

To  FEMA-ALL

Cc  FEMAExecSec



Mon 10:28 AM

20 33

**i** Follow up. Start by Monday, September 23, 2024. Due by Monday, September 23, 2024.  
This message was sent with High importance.



FEMA EEO Policy Reaffirmation 2024 Final - F1 Signed - CLEAN.pdf 193 KB ▾

BTW, I'm not even on the R6 SharePoint schedule, my name has been removed, since February

BTW, I'm not even on the R6 SharePoint schedule, my name has been removed, since February



Meindl, Max 9/27/2024 5:43 AM

then this just now... Hello MAX MEINDL,

You are receiving this email because the Deployment Operations Section has declined a request on your behalf to deploy to 4795DR-NM .

The reason given was: Request expired

From,

The FEMA Deployment Tracking System

9/27/2024 7:54 AM

Will call this evening.



Tuesday, October 1, 2024

Meindl, Max 10/1/2024 7:25 AM

no worries, what will be will be...

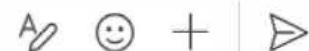
10/1/2024 7:34 AM

So sorry man I'm deploying so it's been crazy

Meindl, Max 10/1/2024 7:36 AM

Type a message

000266



# TAB F-7

Affidavit of Shiela Clemons

## Affidavit of Witness (Shelia R. Clemons)

I, [Shelia R. Clemons], County of [Prince Georges] am an Contract employee of FEMA.

[AGENCY]

[COUNTY OF AGENCY]

[OFFICE]

[DIVISION]

[BRANCH]

Located in [CITY, STATE]

In the capacity of a Contract Reasonable Accommodation Specialist, I have worked under a contract with the FEMA organization since 2022 and continuing.

My telephone number during working hours is 301-351-5095.

### I HAVE BEEN ADVISED OF THE FOLLOWING:

I have an obligation to cooperate fully with the investigator, who has been assigned to conduct a thorough and impartial investigation of my complaint of discrimination. Therefore, I must provide a statement for the investigative record which is true and complete to the best of my knowledge and belief and which fully addresses the issues accepted for investigation. My statement must be specific with regard to names, dates, places, circumstances, and related events, and disclose my firsthand knowledge of any information which is directly related to the issue(s). My statement, along with my Informal Complaint, Counselor's Summary Report, my Formal Complaint and the description of the issues for investigation shall serve as the basis for the investigation. While I may voluntarily submit any additional documents or information to the investigator for consideration, it will be the investigator's responsibility to determine what evidence shall actually become part of the investigative report. If there are any documents or facts which substantiate my allegations, I must provide them to the investigator or make them known to the investigator. I may suggest witnesses to be interviewed by the investigator. However, the investigator will decide which witnesses to interview based on relevant information he or she feels will be furnished.

My statement is made under oath (or affirmation) without a pledge of confidentiality; in accordance with the rules, regulations, policies and procedures of the Equal Employment Opportunity Commission and DHS/FEMA. This means that any employee(s) whom I accuse of discrimination or other acts of impropriety may be shown relevant portions of this statement and be given an opportunity to respond. Agency officials responsible for processing complaints of discrimination will have access to the entire investigative report. If discrimination is found, any employee accused of discrimination will have an opportunity to review the report in its entirety without deletions. Participants in the discrimination complaint process are specifically

protected by law and the EEO regulations from any acts of reprisal, discrimination, coercion, harassment, restraint, or interference for their participation in the investigation and other phases of complaint processing.

I have the right to be represented by a person of my choice during presentation of complaint and preparation of my statement (so long as my choice does not result in a conflict of interest). I have [x] have not [ ] chosen a personal representative at this stage of my complaint. In the event I have not chosen a representative but obtain a representative at a later date, I will advise the investigator and the Director of Civil Rights in writing.

I have the right to review my statement prior to signing it and may make initial corrections if it is incomplete or inaccurate. I have a right to receive a copy of the signed statement. Having reviewed the preceding information with the investigator, I solemnly swear [ ] affirm [x] that the statement that follows is true and complete to the best of my knowledge and belief and fully addresses the issues and allegations raised by me in my EEO complaint.

**Questions for Witness:**

1. What is your name, position, title, series, and grade? *Shelia R. Clemons, Contract Reasonable Accommodations Specialist/EEO Investigator for EIG, 4 years.*
2. Are you employed by FEMA? *No*
3. How long have you been employed with FEMA? *No.*
4. How long have you held your current position? *Two (2) years as a Contract RA Specialist.*
5. Who is your first line and second line supervisor? Please provide title and contact information. Not employed by FEMA. *N/A as I serve in as an Independent Contractor with EIG.*
6. How long have you been under their supervision? *N/A.*
7. Are you aware of the agency's policy on discrimination? *Yes.*
8. Are you aware of the agency's policy on anti-harassment? *Yes.*
9. When did you most recently complete No Fear Act training? *N/A.*
10. How do you know Complainant? *As a contract Reasonable Accommodations Specialist, I was assigned to review and work on the Complainant's RA request.*
11. How would you describe your working relationship with him? *There was no relationship with the Complainant and only from a business professional standpoint did I have any communication with the Complainant.*
12. For the record, what is your age? *76 years old.*
13. Have you been involved in any EEO activity? If so, in what capacity? *No*
14. Were you aware of Complainant's EEO activity? *No*
15. If so, how did you become aware? *N/A.*
16. Did the Complainant inform you that he believed he was being discriminated? *No*
17. If yes, when? *N/A.*

**Whether Complainant, Emergency Management Specialist of Bellville, TX was discriminated against based on disability (physical) and age (1951) by management when the following incidents occurred:**

**1. On August 16, 2024, Complainant's Reasonable Accommodation request was denied.**

18. What direct knowledge do you have regarding management denying the Complainant's Reasonable Accommodation request on August 16, 2024?

*As the Contract RA Specialist assigned to any case, I engaged with both the employee and the relevant management officials regarding the employee's request for a reasonable accommodation. In this particular case, the employee requested to work from home. However, the first-line and second-line supervisors denied the request, citing that the essential functions of the position included the employee's requirement that he had the ability to deploy, which could not be fulfilled in a telework capacity.*

*Management retains the authority to grant, deny, or propose an alternative accommodation. In this case, due to the nature of the position and its deployment requirement, his supervisors decided that telework was not considered and therefore his reasonable accommodation request was denied.*

*An email related to this case was provided to Max Meindl, who was informed of his right to appeal the supervisor's decision.*

19. Did Complainant speak with you about this matter? *No, the Complainant did not speak with me directly about the Supervisor's decision to deny his RA request.*

20. If so, when and what was discussed? *As indicated above, I don't recall him calling me directly, but I did send the Complainant an email indicating that he should follow the next steps of the appeal process when the initial supervisor denied his request to telework.*

21. Do you believe that Complainant's age and physical disability were factors in the Complainant being denied their Reasonable Accommodation request on August 16, 2024? *I don't believe the Complainant's age had any bearing on the Supervisor's decision to deny the telework request. I do believe his disability impacted his request to work from home as he himself indicated to me, that he could not travel and acknowledged that the ability to travel was a requirement and consisted of an essential function of his position. He acknowledged that because of his disability, he could not deploy.*

*As the Contract Reasonable Accommodation (RA) Specialist, I facilitated communication between the complainant and management officials regarding the employee's request for an accommodation in the form of full-time telework. The request was connected to the individual's medical condition and related*

*limitations. Management considered the request but ultimately denied it. Both the first-line and second-line supervisors determined that the employee could not perform the essential functions of the position—specifically, the requirement to deploy as part of the role's core duties—if working from home. While the employee's disability was acknowledged as a factor influencing the request, management maintained that the essential functions of the position could not be eliminated or reassigned without fundamentally altering the nature of the job.*

*In line with agency policy, the employee was informed of the decision and advised of their right to appeal. Relevant documentation, including an email regarding the decision, was provided to Max Meindl.*

22. Is there anyone else that you think we should speak with that may have direct knowledge of this matter? *I would only reiterate that it is the supervisors' decision to grant, deny or provide an alternate to any employee's RA request. As the Contract RA Specialist, we only provide advice and guidance on the rules and the process.*
23. If so, who and what information might they have? Please provide contact information. *I would only recommend the supervisors that have been involved in the decision-making process.*
24. Is there anything else that you care to add? *Only that it is the supervisors' decisions we only provide advice and guidance on the rules and the process.*

**Whether Complainant, Emergency Management Specialist, of Bellville, TX was discriminated against based on disability (physical) and age (1951) by management when the following incidents occurred:**

**2. On January 6, 2025, Complainant was terminated.**

25. What direct knowledge do you have regarding management terminating the Complainant based on age and physical disability? *I have no direct knowledge and did not know of his termination.*
26. Did Complainant speak with you about this matter? *N/A.*
27. If so, when and what was discussed? *N/A.*
28. Do you believe that age and physical disability were factors in management requesting the Complainant be terminated on January 6, 2025? No. *I believe that the Complainant's inability to perform the essential functions were probably the factors that led to his termination.*
29. Is there anyone else that you think we should speak with that may have direct knowledge of this matter? *N/A.*
30. If so, who and what information might they have? Please provide

contact information.  
31. Is there anything else that you care to add? No.

I have reviewed this statement, which consists of [#] pages and hereby solemnly swear (or affirm) that it is true and complete to the best of my knowledge and belief. I understand that the information I have given will not be held confidential and may be shown to the interested parties as well as made a permanent part of the Record of Investigation.

Shelia R. Clemons  
[AFFIANT]



4/12/205  
[DATE]

Signed on this day \_\_\_\_\_ of \_\_\_\_\_, 2021

LAKISHA S  
WILSON (affiliate)  
[INVESTIGATOR/WITNESS]

Digitally signed by LAKISHA S  
WILSON (affiliate)  
Date: 2025.04.15 19:08:09 -04'00'

# TAB F-8

Affidavit of Traci Brasher

## **Affidavit of Witness (Insert Name)**

I, Traci L. Brasher, County of **Denton, Texas** am an [ x ] employee of [ ] applicant to [ ] former employee of DHS/FEMA.

**Federal Emergency Management Agency**

**Denton**

**FEMA Region 6**

**Office of the Regional Administrator**

Located in **Denton, Texas**

In the capacity of Deputy Regional Administrator, Senior Executive Service, between December 2023 and Current. Acting Deputy Regional Administrator from September 2023 to December 2023.

My telephone number during working hours is **202-702-5183**

I HAVE BEEN ADVISED OF THE FOLLOWING:

I have an obligation to cooperate fully with the investigator, who has been assigned to conduct a thorough and impartial investigation of my complaint of discrimination. Therefore, I must provide a statement for the investigative record which is true and complete to the best of my knowledge and belief and which fully addresses the issues accepted for investigation. My statement must be specific with regard to names, dates, places, circumstances, and related events, and disclose my firsthand knowledge of any information which is directly related to the issue(s). My statement, along with my Informal Complaint, Counselor's Summary Report, my Formal Complaint and the description of the issues for investigation shall serve as the basis for the investigation. While I may voluntarily submit any additional documents or information to the investigator for consideration, it will be the investigator's responsibility to determine what evidence shall actually become part of the investigative report. If there are any documents or facts which substantiate my allegations, I must provide them to the investigator or make them known to the investigator. I may suggest witnesses to be interviewed by the investigator. However, the investigator will decide which witnesses to interview based on relevant information he or she feels will be furnished.

My statement is made under oath (or affirmation) without a pledge of confidentiality; in accordance with the rules, regulations, policies and procedures of the Equal Employment Opportunity Commission and DHS/FEMA. This means that any employee(s) whom I accuse of discrimination or other acts of impropriety may be shown relevant portions of this statement and be given an opportunity to respond. Agency officials responsible for processing complaints of discrimination will have access to the entire investigative report. If discrimination is found, any employee accused of discrimination will have an opportunity to review the report in its entirety without deletions. Participants in the discrimination complaint process are specifically

Initials TLBT

000274

Page 1 of 4

protected by law and the EEO regulations from any acts of reprisal, discrimination, coercion, harassment, restraint, or interference for their participation in the investigation and other phases of complaint processing.

I have the right to be represented by a person of my choice during presentation of complaint and preparation of my statement (so long as my choice does not result in a conflict of interest). I have [ ] have not [ x ] chosen a personal representative at this stage of my complaint. In the event I have not chosen a representative but obtain a representative at a later date, I will advise the investigator and the Director of Civil Rights in writing.

I have the right to review my statement prior to signing it and may make initialed corrections if it is incomplete or inaccurate. I have a right to receive a copy of the signed statement. Having reviewed the preceding information with the investigator, I solemnly swear [ ] affirm [ ] that the statement that follows is true and complete to the best of my knowledge and belief and fully addresses the issues and allegations raised by me in my EEO complaint.

**Questions for Witness:**

1. What is your name, position, title, series, and grade?  
Traci L. Brasher, Deputy Regional Administrator, SES
2. Are you employed by FEMA? Yes
3. How long have you been employed with FEMA? Since 2016
4. How long have you held your current position? Approximately 16 months
5. Who is your first line and second line supervisor? Please provide title and contact information. First Line supervisor: George A. Robinson, Regional Administrator, 940-898-5104 Second Line supervisor: Julia Moline, Acting Chief of Staff, 202-212-5964
6. How long have you been under their supervision? George A. Robinson since 2016 and Julia Moline since she became Acting Chief of Staff on January 21, 2025
7. Are you aware of the agency's policy on discrimination? Yes
8. Are you aware of the agency's policy on anti-harassment? Yes
9. When did you most recently complete No Fear Act training? 9/26/2024
10. How do you know Complainant? He worked in Recovery Public Assistance and I was previously the Recovery Division Director
11. How would you describe your working relationship with him? He would message me periodically about his Reasonable Accommodation cases. He wanted his position on Field Operations to be 100% virtual because in his previous position with Public Assistance he could be virtual.
12. For the record, what is your age? 55
13. Have you been involved in any EEO activity? If so, in what capacity?
14. Were you aware of Complainant's EEO activity? No
15. If so, how did you become aware? N/A
16. Did the Complainant inform you that he believed he was being discriminated? No
17. If yes, when?

**Whether Complainant, Emergency Management Specialist of Bellville, TX was discriminated against based on disability (physical) and age (1951) by management when the following incidents occurred:**

- 1. On August 16, 2024, Complainant's Reasonable Accommodation request was denied.**
  18. What direct knowledge do you have regarding management denying the Complainant's Reasonable Accommodation request on August 16, 2024? Max messaged me in July 2024 about his cases still pending. He said that he had submitted 4 cases. I reached out to his Deputy Branch Chief who confirmed that Max had 4 Reasonable Accommodation cases pending so I asked my Mission Support Division Director to reach out to the Office of Civil Rights. OCR responded to Mission Support Division Director on July 10, 2024, that the case had been assigned for expedited processing. Max messaged me again on December 4, 2024, about his Reasonable Accommodation request being denied because the accommodation would require removal of an essential function of the job.
  19. Did Complainant speak with you about this matter? He messaged me on TEAMS
  20. If so, when and what was discussed? July 2024 and December 2024. I told him that I would check with his supervisor and Mission Support on status.
  21. Do you believe that Complainant's age and physical disability were factors in the Complainant being denied their Reasonable Accommodation request on August 16, 2024? No, he was denied because
  22. Is there anyone else that you think we should speak with that may have direct knowledge of this matter? Yes
  23. If so, who and what information might they have? Please provide contact information. Jodi Hunter, 202-679-5809 and Karina Aguilo, 940-232-8781
  24. Is there anything else that you care to add? My understanding is that OCR looked for another position for Max to accommodate his limitations but could not identify a position prior to the decision to terminate.

**Whether Complainant, Emergency Management Specialist, of Bellville, TX was discriminated against based on disability (physical) and age (1951) by management when the following incidents occurred:**

**2. On January 6, 2025, Complainant was terminated**

1. What direct knowledge do you have regarding management terminating the Complainant based on age and physical disability?  
None, complainant was terminated because the accommodation would require removal of an essential function of the job and

another position could not be identified.

2. Did Complainant speak with you about this matter? Complainant messaged me on TEAMS
3. If so, when and what was discussed? Max messaged me on December 4, 2024, about his Reasonable Accommodation request being denied because the accommodation would require removal of an essential function of the job and he stated that he didn't want to lose his job.
4. Do you believe that age and physical disability were factors in management requesting the Complainant be terminated on January 6, 2025? No
5. Is there anyone else that you think we should speak with that may have direct knowledge of this matter? Yes
6. If so, who and what information might they have? Please provide contact information. Supervisor: Anthony In, 202-615-6165, Branch Chief: Jodi Hunter, 202-679-5809, OCR Investigator assigned to case: Shelia Clemons, shelia.clemons@associates.fema.gov
7. Is there anything else that you care to add?

I have reviewed this statement, which consists of [#] pages and hereby solemnly swear (or affirm) that it is true and complete to the best of my knowledge and belief. I understand that the information I have given will not be held confidential and may be shown to the interested parties as well as made a permanent part of the Record of Investigation.

TRACI LEA L

Digitally signed by TRACI  
LEA L BRASHER  
Date: 2025.04.08 08:49:49  
-05'00'

[AFFIANT]

April 8, 2025

[DATE]

Signed on this day 8th of April, 2021

LAKISHA S

Digitally signed by LAKISHA S  
WILSON (affiliate)  
Date: 2025.04.14 17:22:24  
-04'00'

[INVESTIGATOR/WITNESS]

Initials TLB

000277

Page 4 of 4

# TAB F-9

Affidavit of Anna Myers

## **Affidavit of Witness (Anna Myers)**

I, Anna Myers, City of **Norfolk, Virginia** am an [X] employee of [ ] applicant to [ ] former employee of DHS/FEMA.

**Federal Emergency Management**

**Washington, DC**

**Office of Civil Rights**

**Internal Civil Rights Division**

**Disability Support Brancy**

Located in **Norfolk, Virginia**

In the capacity of EEO Specialist, GS-0260-13 between March 24, 2025 and **present date**.

My telephone number during working hours is **202-803-1756**.

I HAVE BEEN ADVISED OF THE FOLLOWING:

I have an obligation to cooperate fully with the investigator, who has been assigned to conduct a thorough and impartial investigation of my complaint of discrimination. Therefore, I must provide a statement for the investigative record which is true and complete to the best of my knowledge and belief and which fully addresses the issues accepted for investigation. My statement must be specific with regard to names, dates, places, circumstances, and related events, and disclose my firsthand knowledge of any information which is directly related to the issue(s). My statement, along with my Informal Complaint, Counselor's Summary Report, my Formal Complaint and the description of the issues for investigation shall serve as the basis for the investigation. While I may voluntarily submit any additional documents or information to the investigator for consideration, it will be the investigator's responsibility to determine what evidence shall actually become part of the investigative report. If there are any documents or facts which substantiate my allegations, I must provide them to the investigator or make them known to the investigator. I may suggest witnesses to be interviewed by the investigator. However, the investigator will decide which witnesses to interview based on relevant information he or she feels will be furnished.

My statement is made under oath (or affirmation) without a pledge of confidentiality; in accordance with the rules, regulations, policies and procedures of the Equal Employment Opportunity Commission and the Department of Homeland Security. This means that any employee(s) whom I accuse of discrimination or other acts of impropriety may be shown relevant portions of this statement and be given an opportunity to respond. Agency officials responsible for processing complaints of discrimination will have access to the entire investigative report. If discrimination is found, any employee accused of discrimination will have an opportunity to review the report in its entirety without deletions. Participants in the discrimination complaint

process are specifically protected by law and the EEO regulations from any acts of reprisal, discrimination, coercion, harassment, restraint, or interference for their participation in the investigation and other phases of complaint processing.

I have the right to be represented by a person of my choice during presentation of complaint and preparation of my statement (so long as my choice does not result in a conflict of interest). I have [X] have not [ ] chosen a personal representative at this stage of my complaint. In the event I have not chosen a representative but obtain a representative at a later date, I will advise the investigator and the Director of Civil Rights in writing.

I have the right to review my statement prior to signing it and may make initialed corrections if it is incomplete or inaccurate. I have a right to receive a copy of the signed statement. Having reviewed the preceding information with the investigator, I solemnly swear [X] affirm [X] that the statement that follows is true and complete to the best of my knowledge and belief and fully addresses the issues and allegations raised by me in my EEO complaint.

**Questions for Witness:**

1. What is your name, position, title, series, and grade?  
**Anna Myers, EEO Specialist, (Reasonable Accommodations), GS-0260-13**
2. Are you employed by FEMA?  
**Yes**
3. How long have you been employed with FEMA?  
**1 year**
4. How long have you held your current position?  
**1 year**
5. Who is your fist line and second line supervisor? Please provide title and contact information.  
**Alejandro Ortiz, Disability Program Manager  
alejandro.ortiz@fema.dhs.gov  
202.813.2511**
6. How long have you been under their supervision?  
**He was Acting DPM from April, 2024 until November, 2024 when he was officially hired as the Disability Program Manager. Between April and November, 2024, he shared supervisory duties with Michael Butkovich.**
7. Are you aware of the agency's policy on discrimination?  
**Yes**
8. Are you aware of the agency's policy on anti-harassment?  
**Yes**
9. When did you most recently complete No Fear Act training?  
**August 16, 2024**
10. How do you know Complainant?  
**I do not know the Complainant. I processed his Reasonable Accommodation request after the denial by the first and second line supervisor.**
11. How would you describe your working relationship with him?  
**I do not, and did not, have a working relationship with him. My communications regarding the reassignment were always polite and**

**professional.**

12. For the record, what is your age?

**52**

13. Have you been involved in any EEO activity? If so, in what capacity?

**Only in the capacity as an EEO Specialist for FEMA, the EEO Chief in previous employment, and a Disability Program Manager in previous employment.**

14. Were you aware of Complainant's EEO activity?

**Not prior to receiving this Affidavit.**

15. If so, how did you become aware?

**When I received this Affidavit**

16. Did the Complainant inform you that he believed he was being discriminated?

**Not specifically. He was obviously unhappy that his reasonable accommodation request was denied and that he was asked to consider reassignment.**

17. If yes, when?

**The statements related to #16 were provided to me on August 22, 2024 via email.**

**Whether Complainant, Emergency Management Specialist of Bellville, TX was discriminated against based on disability (physical) and age (1951) by management when the following incidents occurred:**

**1. On August 16, 2024, Complainant's Reasonable Accommodation request was denied.**

18. What direct knowledge do you have regarding management denying the Complainant's Reasonable Accommodation request on August 16, 2024?

**I was advised that it had been denied on August 16 by the RA Specialist who handled the case through the second line SOR, and I was assigned to continue the process through reassignment.**

19. Did Complainant speak with you about this matter?

**Yes**

20. If so, when and what was discussed?

**On August 26, 2024, I advised him regarding the reassignment process, to which he agreed to participate.**

21. Do you believe that Complainant's age and physical disability were factors in the Complainant being denied their Reasonable Accommodation request on August 16, 2024?

**Yes, to physical disability, since it prevented him from performing the essential functions of his job.**

**No, to age. Age was never a discussion during any of our conversations and I did not know Mr. Meindl's age until I received**

**this Affidavit.**

22. Is there anyone else that you think we should speak with that may have direct knowledge of this matter?

**Shelia Clemons (CTR), RA Specialist who first worked with him.**

23. If so, who and what information might they have? Please provide contact information.

**She would be able to advise on the beginning of the process through the second line SOR denial.**

24. Is there anything else that you care to add?

**No**

**Whether Complainant, Emergency Management Specialist, of Bellville, TX was discriminated against based on disability (physical) and age (1951) by management when the following incidents occurred:**

**2. On January 6, 2025, Complainant was terminated**

25. What direct knowledge do you have regarding management terminating the Complainant based on age and physical disability?

**None.**

26. Did Complainant speak with you about this matter?

**No**

27. If so, when and what was discussed?

**N/A**

28. Do you believe that age and physical disability were factors in management requesting the Complainant be terminated on January 6, 2025?

**If the termination was a result of his medical inability to perform his job, it could be related to physical disability.**

29. Is there anyone else that you think we should speak with that may have direct knowledge of this matter?

**His SOR, Anthony In  
[anthony.in@fema.dhs.gov](mailto:anthony.in@fema.dhs.gov)**

**202-615-6165**

30. If so, who and what information might they have? Please provide contact information.

**He likely would have been involved in any termination.**

31. Is there anything else that you care to add?

**No**

I have reviewed this statement, which consists of [5] pages and hereby solemnly swear (or affirm) that it is true and complete to the best of my knowledge and belief. I understand that the information I have given will not be held confidential and may be shown to the interested parties as well as made a permanent part of the Record of Investigation.

**ANNA H MYERS** Digitally signed by ANNA H MYERS  
Date: 2025.04.15 08:28:06 -04'00'

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[AFFIANT]

---

[DATE]

Signed on this day 14 of April, 2025

*Lakisha Wilson*

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[INVESTIGATOR/WITNESS]

# TAB F-9a

Complainant refused to sign Final Agency Denial Letter

**From:** [Myers, Anna](#)  
**To:** [Wilson, Lakisha \(CTR\)](#)  
**Subject:** FW: RAR0046767 Final Agency Denial Letter  
**Date:** Wednesday, April 16, 2025 4:58:08 PM  
**Attachments:** [image002.png](#)  
[image003.png](#)  
[Final Agency Denial Letter - Meindl Max \(RAR0046767\)- FINAL.pdf](#)

---

FYSA

Anna Myers  
EEO Specialist, Reasonable Accommodation  
Disability Support Branch | Office of Civil Rights  
Mobile: (202) 803-1756  
[anna.myers4@fema.dhs.gov](mailto:anna.myers4@fema.dhs.gov)



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**From:** In, Anthony <[anthony.in@fema.dhs.gov](mailto:anthony.in@fema.dhs.gov)>  
**Sent:** Tuesday, December 3, 2024 12:33 PM  
**To:** Myers, Anna <[anna.myers4@fema.dhs.gov](mailto:anna.myers4@fema.dhs.gov)>  
**Subject:** FW: RAR0046767 Final Agency Denial Letter

Good morning Anna

Please see the response and my signed letter. Thank you.

v/r

*Tony*

Anthony In

Infrastructure Branch Director | Recovery Division | Region 6

Cell Number 202-615-6165

[Anthony.in@fema.dhs.gov](mailto:Anthony.in@fema.dhs.gov)

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Federal Emergency Management Agency

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**From:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>

**Sent:** Tuesday, December 3, 2024 11:30 AM

**To:** In, Anthony <[anthony.in@fema.dhs.gov](mailto:anthony.in@fema.dhs.gov)>

**Subject:** RE: RAR0046767 Final Agency Denial Letter

Sent to my lawyer.

Thank you for your assistance.

---

Max J Meindl, PMP  
Emergency Management Specialist  
Recovery Division | Region Six  
Mobile: 202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)

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**From:** In, Anthony <anthony.in@fema.dhs.gov>  
**Sent:** Tuesday, December 3, 2024 11:26 AM  
**To:** Meindl, Max <max.meindl@fema.dhs.gov>  
**Subject:** RE: RAR0046767 Final Agency Denial Letter

Good morning, Max,

I just want to follow up if you were able to sign a copy of acknowledgment to me. If you choose not to please reply to this email indicating, you refuse to sign. Thanks.

v/r

*Tony*

Anthony In  
Infrastructure Branch Director | Recovery Division | Region 6  
Cell Number 202-615-6165  
[Anthony.in@fema.dhs.gov](mailto:Anthony.in@fema.dhs.gov)

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**From:** In, Anthony  
**Sent:** Monday, December 2, 2024 9:52 AM  
**To:** Meindl, Max <max.meindl@fema.dhs.gov>  
**Subject:** RAR0046767 Final Agency Denial Letter

Good morning, Max,

Regarding your Reasonable Accommodation (RA). See attached of the agency final decision. Please read and acknowledge sign copy back to me by COB today. Thank you.

v/r

*Tony*

Anthony In  
Infrastructure Branch Director | Recovery Division | Region 6  
Cell Number 202-615-6165  
[Anthony.in@fema.dhs.gov](mailto:Anthony.in@fema.dhs.gov)

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# TAB F-10

Affidavit of Witness Darla Dickerson

## **Affidavit of Witness (Insert Name)**

I, [Darla D Dickerson], County of [East Baton Rouge Parish] am an [ X] employee of [ ] applicant to [ ] former employee of DHS/FEMA.

[AGENCY]

[COUNTY OF AGENCY]

[OFFICE]

[Recovery Division]

[Public Assistance]

Located in [Baton Rouge, LA]

In the capacity of [ORGANIZATION TITLE AND CLASSIFICATION/GRADE] between [DATE] and [DATE]

My telephone number during working hours is [(225) 421-6325]

### **I HAVE BEEN ADVISED OF THE FOLLOWING:**

I have an obligation to cooperate fully with the investigator, who has been assigned to conduct a thorough and impartial investigation of my complaint of discrimination. Therefore, I must provide a statement for the investigative record which is true and complete to the best of my knowledge and belief and which fully addresses the issues accepted for investigation. My statement must be specific with regard to names, dates, places, circumstances, and related events, and disclose my firsthand knowledge of any information which is directly related to the issue(s). My statement, along with my Informal Complaint, Counselor's Summary Report, my Formal Complaint and the description of the issues for investigation shall serve as the basis for the investigation. While I may voluntarily submit any additional documents or information to the investigator for consideration, it will be the investigator's responsibility to determine what evidence shall actually become part of the investigative report. If there are any documents or facts which substantiate my allegations, I must provide them to the investigator or make them known to the investigator. I may suggest witnesses to be interviewed by the investigator. However, the investigator will decide which witnesses to interview based on relevant information he or she feels will be furnished.

My statement is made under oath (or affirmation) without a pledge of confidentiality; in accordance with the rules, regulations, policies and procedures of the Equal Employment Opportunity Commission and the Department of Agriculture. This means that any employee(s) whom I accuse of discrimination or other acts of impropriety may be shown relevant portions of this statement and be given an opportunity to respond. Agency officials responsible for processing complaints of discrimination will have access to the entire investigative report. If discrimination is found, any employee accused of discrimination will have an opportunity to review the report in

Initials DDD

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Page 1 of 5

its entirety without deletions. Participants in the discrimination complaint process are specifically protected by law and the EEO regulations from any acts of reprisal, discrimination, coercion, harassment, restraint, or interference for their participation in the investigation and other phases of complaint processing.

I have the right to be represented by a person of my choice during presentation of complaint and preparation of my statement (so long as my choice does not result in a conflict of interest). I have [ ] have not [ ] chosen a personal representative at this stage of my complaint. In the event I have not chosen a representative but obtain a representative at a later date, I will advise the investigator and the Director of Civil Rights in writing.

I have the right to review my statement prior to signing it and may make initialed corrections if it is incomplete or inaccurate. I have a right to receive a copy of the signed statement. Having reviewed the preceding information with the investigator, I solemnly swear [ ] affirm [ ] that the statement that follows is true and complete to the best of my knowledge and belief and fully addresses the issues and allegations raised by me in my EEO complaint.

**Questions for Witness:**

1. What is your name, position, title, series, and grade?
  1. Darla D Dickerson
  2. Emergency Management Specialist
  3. Program Delivery Task Force Lead
  4. GS 12 step 6
2. Are you employed by FEMA?
  1. Yes
3. How long have you been employed with FEMA?
  1. 19 years
4. How long have you held your current position?
  1. 4 years
5. Who is your fist line and second line supervisor? Please provide title and contact information.
  1. First line – Rachel Mckenzie
    - Public Assistance Infrastructure Branch Director
    - (202) 615-3784
  2. Jodi Hunter
    - Deputy Branch Chief Field Staff
    - (202) 679-5809
6. How long have you been under their supervision?
  1. 4-years
7. Are you aware of the agency's policy on discrimination?
  1. Yes
8. Are you aware of the agency's policy on anti-harassment?
  1. Yes
9. When did you most recently complete No Fear Act training?
  1. May 6, 2024
10. How do you know Complainant?

1. Complainant worked as a subordinate under my leadership for multiple disasters
11. How would you describe your working relationship with him?
  1. Great working relationship
12. For the record, what is your age?
  1. 47 years old
13. Have you been involved in any EEO activity? If so, in what capacity?
  1. Yes. I've filed two complaints of my own
14. Were you aware of Complainant's EEO activity?
  1. No, I was not aware.
15. If so, how did you become aware?
  1. N/A
16. Did the Complainant inform you that he believed he was being discriminated?
  1. Yes, on or about August 2024.
17. If yes, when?
  1. Around that time, the Complainant informed me of his concerns. He had submitted multiple requests for reassignment and Reasonable Accommodations, which were denied. Based on what I observed, these denials appeared to occur without appropriate due process. In my opinion, there should have been available positions that could have allowed for at least a temporary remote work reassignment.

**Whether Complainant, Emergency Management Specialist of Bellville, TX was discriminated against based on disability (physical) and age (1951) by management when the following incidents occurred:**

- 1. On August 16, 2024, Complainant's Reasonable Accommodation request was denied.**
  18. What direct knowledge do you have regarding management denying the Complainant's Reasonable Accommodation request on August 16, 2024?
    1. The Complainant informed me that his request for Reasonable Accommodations appeared to have been denied without being thoroughly reviewed or genuinely considered by management.
  19. Did Complainant speak with you about this matter?
    1. Yes, the Complainant expressed his frustration to me, specifically regarding what he perceived as the discriminatory nature of the handling of his Reasonable Accommodation request.
  20. If so, when and what was discussed?
    1. The Complainant spoke with me in August 2024. During our conversation, he shared his concerns regarding the denial of his Reasonable Accommodation request and expressed that he felt the process was unfair and discriminatory. He believed his request was not given proper consideration.
  21. Do you believe that Complainant's age and physical disability were factors

in the Complainant being denied their Reasonable Accommodation request on August 16, 2024?

1. Yes
22. Is there anyone else that you think we should speak with that may have direct knowledge of this matter?
  1. No
23. If so, who and what information might they have? Please provide contact information.
  1. N/A
24. Is there anything else that you care to add?
  1. I believe the Complainant's request warranted a more thorough and transparent review process. In my opinion, there were reasonable steps management could have taken to explore alternative solutions or temporary accommodations to support the Complainant's needs.

**Whether Complainant, Emergency Management Specialist, of Bellville, TX was discriminated against based on disability (physical) and age (1951) by management when the following incidents occurred:**

**2. On January 6, 2025, Complainant was terminated**

25. What direct knowledge do you have regarding management terminating the Complainant based on age and physical disability?
  1. I was not made aware of the termination by management. I only learned of the termination when the Complainant informed me on the day it occurred.
26. Did Complainant speak with you about this matter?
  1. Yes.
27. If so, when and what was discussed?
  1. On January 6, 2025, the Complainant informed me that he was being terminated and stated that he was instructed to return his government-issued equipment.
28. Do you believe that age and physical disability were factors in management requesting the Complainant be terminated on January 6, 2025?

Yes.

29. Is there anyone else that you think we should speak with that may have direct knowledge of this matter?
  1. Not to my knowledge
30. If so, who and what information might they have? Please provide contact information.
  1. N/A
31. Is there anything else that you care to add?
  1. From my perspective, the Complainant appeared to be capable of fulfilling his duties with reasonable accommodations. The manner and timing of his

termination raise concerns, especially given the history of denied accommodation requests and his expressed belief that he was being discriminated against due to his age and physical disability.

I have reviewed this statement, which consists of [#] pages and hereby solemnly swear (or affirm) that it is true and complete to the best of my knowledge and belief. I understand that the information I have given will not be held confidential and may be shown to the interested parties as well as made a permanent part of the Record of Investigation.

DARLA D  
DICKERSON

Digitally signed by DARLA D  
DICKERSON  
Date: 2025.04.20 23:49:11  
-04'00'

---

[AFFIANT]

---

[DATE]

Signed on this day \_\_\_\_\_ of \_\_\_\_\_, 2021

LAKISHA S WILSON  
(affiliate)

Digitally signed by LAKISHA S  
WILSON (affiliate)  
Date: 2025.05.01 21:47:31 -04'00'

---

[INVESTIGATOR/WITNESS]

# TAB F-11

Fact Sheet FEMA RA Process for Managers

## FEMA REASONABLE ACCOMMODATION PROCESS FOR MANAGERS AND SUPERVISORS

This fact sheet is provided as a quick reference guide for managers and supervisors regarding the provision of reasonable accommodations for FEMA employees and applicants for FEMA employment.

### Background

The Rehabilitation Act of 1973 (Rehab Act), as amended, protects qualified federal employees and applicants for federal employment with disabilities from employment discrimination based on a disability. The law also requires that FEMA provide a reasonable accommodation for the known physical or mental limitations of an otherwise qualified individual with a disability, unless doing so causes an undue hardship. Additionally, the Rehab Act also makes it illegal to retaliate against a person because the person requests an accommodation.

### Overview of Reasonable Accommodation

#### What is a Reasonable Accommodation?

A reasonable accommodation is a change or modification to the work environment, or the way things are customarily done, including a change or modification to a particular office policy and/or procedure, which would enable a qualified individual with a disability to apply for a position, perform the essential functions of a position, and/or, enjoy the benefits and privileges of employment equal to those enjoyed by employees without disabilities. Reasonable accommodations do not allow an employee to be excused from the essential functions of their position.

#### What is an “undue hardship”?

FEMA has a legal duty to provide an effective accommodation, unless doing so will result in an undue hardship to the agency. An undue hardship means that the accommodation would be too difficult/ineffective or too expensive to provide, considering the agency's size, financial resources, and the needs of the agency. In addition, the agency is not required to remove any key essential functions of the employee's position.

#### Who can receive a reasonable accommodation?

Qualified individuals with a disability are entitled to an effective reasonable accommodation under the Rehab Act. A qualified individual with a disability is defined as an individual with a physical or mental impairment or record of an impairment one who: (1) satisfies the requisite skill, experience, education, and other job-related requirements of the position; and (2) can perform the essential functions of the position, with or without reasonable accommodation.

Briefly, major life activities include but are not limited to breathing, walking, learning, seeing, and hearing. An impairment is considered substantially limiting if it significantly restricts – or prevents altogether – an individual's ability to perform the activity as compared with the average person.

#### How do I recognize a request for reasonable accommodation?

Supervisors of record (SORs) must be mindful that an employee or applicant may indicate a need for adjustment or change in an application process or express a need for a modification at work for a reason related to a medical condition, without explicitly stating that they are requesting reasonable accommodation. Requests do not have to be in writing, and do not have to include the terms “reasonable accommodation,” “Rehabilitation Act”, or “disability.” Ex. “I need a new chair, as this one is exacerbating my back condition,” is enough to trigger further discussion. Instead of asking if an accommodation is needed or whether an individual has a disability that is affecting job performance, there is an alternative approach that employers might consider. Simply ask, “How can I



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## FEMA REASONABLE ACCOMMODATION PROCESS FOR MANAGERS AND SUPERVISORS

help?" Asking this simple question can be a strategic way of creating a safe space for disability-disclosure and can be useful when accommodation has not been requested, but there are apparent limitations in performing job duties or meeting performance or conduct standards.

### How does an employee submit a request for reasonable accommodation?

An employee may initiate the reasonable accommodation process in multiple ways. An employee can do so orally or in writing to their SOR or by contacting the Office of Civil Rights (OCR), Disability Support Branch (DSB). Though not required to use any specific words or format for the request, the requestor is responsible for notifying their SOR of the need for an accommodation and describing the workplace limitations they encounter that require accommodating. The employee or SOR will then formally submit the request through the secure DHS ACMS portal at: [DHS OAST Homepage - Office of Accessible Systems and Technology \(OAST\)](#). Individuals who cannot access the DHS ACMS portal may submit their request by email to [FEMA-OCR-RA@fema.dhs.gov](mailto:FEMA-OCR-RA@fema.dhs.gov).

### How do I respond to a request for a Reasonable Accommodation?

Once an employee or applicant for employment requests a reasonable accommodation, FEMA is required to initiate an interactive discussion with the requestor. During discussions, the SOR (who is the deciding official of their employee's request) and the employee should meet to identify the precise limitations and types of accommodations which would be the most effective and efficient for both parties and enable the employee to perform the essential functions of their job. Once a reasonable accommodation request is submitted to the OCR, DSB via the ACMS Portal, a Reasonable Accommodation Specialist will be assigned to process the request and will provide neutral, authoritative guidance to the employee and SOR. The SOR may grant an interim accommodation while the employee's request is pending assignment to a Reasonable Accommodation Specialist for adjudication. The SOR may consult with the OCR, DSB if assistance is needed. However, the final determination is a responsibility of the SOR.

The SOR should listen carefully, ask relevant questions, review the FEMA RA Policy, and consult with the OCR, DSB. Importantly, do not automatically refuse an accommodation request. Additional advice goes as follows:

- An SOR should respond expeditiously to a request for reasonable accommodation.
- The SOR and the individual with a disability need to engage in an interactive process as soon as possible, to identify the employee's workplace limitations and what type(s) of accommodations might be effective for both the employee and the agency.
- Review each request individually. There is no one-size-fits-all accommodation. Accommodations may differ based on the employee's medical condition and job duties.
- If it is not possible to provide the requested accommodation, determine whether other accommodations would be effective for the agency and meet the employee's needs.
- In the event that the request has not yet been assigned to a Reasonable Accommodation Specialist for processing, the SOR should act promptly to provide interim accommodations until a final determination is reached.
- The final decision rests with the SOR, as they are designated as the deciding official on behalf of the agency. Once decided, the SOR must issue their written decision to the employee via the 256-0-2 Management Response form.

### When should medical documentation be provided?

If the disability and/or limitations are not already known or obvious, the OCR, DSB will request medical information to substantiate that the individual has a disability and clarify the limitations that require accommodating. Medical documentation will be considered sufficient if it meets the following criteria:

1. Describes the nature, severity, and duration of the individual's impairment;
2. The activity or activities that the impairment limits;
3. The extent to which the impairment limits the individual's ability to perform said activity or activities; and,
4. Substantiates why the requested reasonable accommodation is needed.



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## FEMA REASONABLE ACCOMMODATION PROCESS FOR MANAGERS AND SUPERVISORS

Medical documentation about the individual's disability and functional limitations must come from a qualified health care or rehabilitation professional. Depending on the disability and the type of functional limitation it imposes, qualified professionals could be doctors, psychiatrists, psychologists, nurses, physical therapists, occupational therapists, speech therapists, vocational rehabilitation specialists, or licensed mental health professionals. Importantly, managers/SORs are not entitled to an employee's entire medical history or medical documentation. Inquiries should be limited to information that explains the employee's workplace limitation(s) and need for accommodation. If unsure, consult the OCR, DSB for guidance.

Additionally, please note that employees are not required to share information about their physical or mental impairment with their SOR or manager. All medical documentation should be submitted to the OCR, DSB, for review. The OCR, DSB will then work with the SOR to assist with the adjudication of the request.

### What are the applicable processing timeframes?

The time required to process a request for an accommodation depends on many factors, such as the need to clarify requests, obtain the necessary supporting documentation, and the availability of all parties involved. While the OCR, DSB strives to review and process requests for a reasonable accommodation in a timely manner according to FEMA policy, extenuating circumstances may lead to extended processing times. Consistent with [Instruction 256-022-01](#), requests for reasonable accommodation are to be processed within 45 calendar days. Provision of approved accommodations should occur expeditiously, but could be delayed in some circumstances, such as when furniture or equipment needs to be purchased.

### When is a decision reached?

Upon evaluating all recommendations, considering available resources, and engaging in the interactive process with the requestor; the SOR will make a final determination of approval, alternate approval, or denial on the request. Once a decision is reached, the SOR is required to promptly issue their written decision to the employee via the 256-0-2 Management Response form. The SOR must forward a copy of their decision to the OCR, DSB, Reasonable Accommodation Specialist for record keeping. It is best practice for the employee and SOR to discuss the decision and any specifications for implementing an approved accommodation. In the event of a denial, the SOR must provide a detailed justification to substantiate the reason for denial, including whether alternative effective accommodations were discussed/considered.

### What are the employee/applicant's appeal rights?

If the deciding official denies an employee's request for reasonable accommodation, the employee may submit a written appeal to their second level SOR. The employee may present additional information in support of the request. The second level SOR will respond to the appeal request within ten (10) business days of receipt of the request.

If an applicant for employment receives a denial of their request for reasonable accommodation, they may appeal directly to the Director, OCR. The applicant may present additional information in support of their request. The Director will respond to the applicant's request within ten (10) business days of receipt of the request.

All final agency denials must be reviewed by the Office of Chief Counsel (OCC) embedded attorney and OCR, Director, prior to issuance.

### Is an employee's or applicant's reasonable accommodation request confidential?

Under the Rehabilitation Act, a person's medical condition, functional limitations, and even the fact that an accommodation has been requested or provided must be kept confidential. Therefore, information regarding an employee's reasonable accommodation should only be shared with those persons having a legitimate need to know. This generally includes a first and/or second line SOR and the OCR, DSB. It may be necessary to share limited information with others involved in implementation of an approved reasonable accommodation. Fellow employees, even if they may be asked to assume some non-essential functions as part of accommodating another employee, do not have a need to know.



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## FEMA REASONABLE ACCOMMODATION PROCESS FOR MANAGERS AND SUPERVISORS

Additionally, under the Rehabilitation Act, medical information obtained in connection with the reasonable accommodation process must be kept confidential, in files separate from the individual's personnel file. Medical documents provided by an employee should be sent to the OCR, DSB and should be password protected. Managers should not keep copies of medical records. Improper disclosure of an employee's reasonable accommodation and medical documentation is a violation of the Rehab Act and [Privacy Act of 1974](#).

### What is Reassignment as Reasonable Accommodation of Last Resort?

Reassignment is the reasonable accommodation of last resort and is required only after it has been determined that: (1) there are no effective accommodations that will enable the employee to perform the essential functions of their current position, or (2) all other reasonable accommodations would impose an undue hardship. Before considering reassignment as a reasonable accommodation, FEMA should first consider those accommodations that would enable an employee to remain in their current position.

This type of reasonable accommodation must be provided to an employee who, because of a disability, can no longer perform the essential functions of their current position, with or without reasonable accommodation, unless the employer can show that it would be an undue hardship. An employee must be "qualified" for the new position. An employee is "qualified" for a position if they: (1) satisfy the requisite skill, experience, education, and other job-related requirements of the position, and (2) can perform the essential functions of the new position, with or without reasonable accommodation.

## Frequently asked questions (FAQs)

**Q: May someone other than the individual with a disability request a reasonable accommodation on behalf of the individual?**

A: Yes, an SOR, family member, friend, health professional, or other representative may request a reasonable accommodation on behalf of an individual with a disability. However, receiving a reasonable accommodation is voluntary, and the employee may refuse an offered accommodation. If the employee refuses an accommodation and thus unable to perform the essential functions of their position, with or without accommodation, they are no longer qualified for their position.

**Q: May an SOR ask an individual for medical documentation when the individual requests reasonable accommodation?**

A: No, all medical documentation should be submitted to the OCR, DSB.

**Q: Is the agency required to provide the reasonable accommodation of choice requested by the employee?**

A: No. The agency may choose among reasonable accommodations as long as the chosen accommodation is effective to both the employee and the agency.

**Q: May an SOR tell other employees that an individual is receiving a reasonable accommodation when employees ask questions about a coworker with a disability?**

A: No. An employer may not disclose that an employee is receiving a reasonable accommodation because this amounts to a disclosure that the individual has a disability. The Rehab Act specifically prohibits the disclosure of medical information except in certain limited situations, which do not include disclosure to coworkers.

**Q: Does the OCR, Disability Support Branch approve or deny requests?**

A: No, the employee's SOR is the deciding official of their employee's reasonable accommodation requests.

**Q: Does the assignment of a new SOR invalidate a previously approved accommodation?**

A: No, the previously approved accommodation was a decision on behalf of the agency and will remain with the employee as long as the employee's essential functions have not changed. However, if a previously approved accommodation is no longer effective for the agency, it is subject to reassessment.



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**Q: Do approved accommodations expire?**

A: No, unless otherwise mentioned on box 16 of the approved 256-0-2 Management Response form. All approved reasonable accommodations must be reviewed on an annual basis to ensure effectiveness for the employee and the agency.

## Resources

- [FEMA Reasonable Accommodation Policy](#)
- [FEMA Form 256, Request for Reasonable Accommodation Form \(page 1\) and Management Response to Request for Reasonable Accommodation \(page 2\)](#)
- [Job Accommodation Network \(JAN\)](#) – provides general guidance on the Rehabilitation Act and A-Z disabilities and accommodations.
- [EEOC Enforcement Guidance on Reasonable Accommodation and Undue Hardship under the ADA](#)

## Questions?

For guidance and/or assistance with any reasonable accommodation inquiry, please contact the OCR, DSB at [FEMA-OCR-RA@fema.dhs.gov](mailto:FEMA-OCR-RA@fema.dhs.gov). You may also visit the OCR, DSB SharePoint site at:  
[https://usfema.sharepoint.com/sites/OAI/oOCR/SitePages/Reasonable-Accommodation-\(RA\).aspx](https://usfema.sharepoint.com/sites/OAI/oOCR/SitePages/Reasonable-Accommodation-(RA).aspx).



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