

Position Statement for Administrative Hearing

In the Matter of: Max J. Meindl v. Federal Emergency Management Agency

Case Number: HS-FEMA-02430-2024

Date: May 23, 2025

To: Administrative Judge [Insert Judge's Name]

I. Introduction

Max J. Meindl (“Complainant”), a former Emergency Management Specialist at the Federal Emergency Management Agency (“FEMA” or “Respondent”), submits this Position Statement to demand accountability for FEMA’s egregious violations of federal law, as substantiated by the Report of Investigation (“ROI,” Complainant’s Exhibit 1, Attachment ID 79, pages 1–29) and supporting exhibits (see Index of Exhibits). FEMA’s actions constitute flagrant disability discrimination, age discrimination, and retaliation, violating the Rehabilitation Act of 1973, the Age Discrimination in Employment Act (ADEA), Title VII of the Civil Rights Act, and EEOC regulations ([29 C.F.R. § 1614.203](<https://www.gpo.gov/fdsys/pkg/CFR-2016-title29-vol4/xml/CFR-2016-title29-vol4-part1614.xml#seqnum1614.203>); [EEOC MD-110](<https://www.eeoc.gov/management-directive/management-directive-110>), Chapters 6–7). These violations include unconscionable delays and denials of reasonable accommodations (RA), disparate treatment based on age, retaliatory termination, and breaches of confidentiality. FEMA’s misconduct has caused profound harm, rendering reinstatement untenable. Complainant seeks disability retirement, full health insurance coverage, punitive and exemplary damages, and other legally due remedies.

II. Index of Exhibits

- Exhibit 1: ROI HS-FEMA-02430-2024 Part 1 (Attachment ID 79) – Investigation findings, witness statements, and management responses.

- Exhibit 2: Comprehensive Table of Violations (Attachment ID 3) – Timeline of RA delays and policy violations.
- Exhibit 3: MEDNER-FEMA Informat Intake Form (Attachment 1) – Documents Complainant’s medical conditions.
- Exhibit 4: EEO Investigation Events Violations Evidence (Attachment 0) – Details systemic failures and FOIA violations.

III. Witnesses

- Darla Dickerson: Former supervisor; testified that RA denial and termination “appeared discriminatory and lacked due process,” noting disparate treatment of younger employees (Exhibit 1, p. 22).
- Russell Towndrow: Former supervisor; confirmed Complainant’s competence in virtual roles, supporting feasibility of telework (Exhibit 1, p. 23).

IV. Factual Background

Complainant served FEMA from August 2017 until his termination on January 6, 2025, performing duties effectively despite severe medical conditions, including coronary artery disease, hypertension, and Chronic Obstructive Pulmonary Disease (COPD) (Exhibit 3). From March 2020 to May 2023, Complainant successfully worked remotely for 38 months, demonstrating telework’s feasibility (Exhibit 1, p. 8). In 2024, Complainant submitted RA request RAR0046767 for 100% telework. FEMA delayed processing for 194 days, exceeding its 15–45-day policy (Exhibit 1, p. 12; Exhibit 2), before denying it on August 16, 2024, claiming physical deployment was essential (Exhibit 1, p. 15). This requirement was not disclosed at onboarding (Exhibit 1, p. 10), and the Coordinated Deployment Agreement (Houston, May 26, 2024, Exhibit 2) supports virtual work. After filing an EEO complaint

on December 20, 2024, FEMA terminated Complainant on January 6, 2025, without the required 30-day notice or progressive discipline (Exhibit 1, p. 18).

V. Legal Framework

FEMA’s actions violate:

- Rehabilitation Act of 1973 (29 U.S.C. § 791): Prohibits disability discrimination and mandates reasonable accommodations absent undue hardship ([29 C.F.R. § 1614.203](<https://www.gpo.gov/fdsys/pkg/CFR-2016-title29-vol4/xml/CFR-2016-title29-vol4-part1614.xmlseqnum1614.203>)).
- ADEA (29 U.S.C. § 623): Protects employees aged 40 and older from age-based discrimination.
- Title VII (42 U.S.C. § 2000e): Forbids retaliation for protected EEO activity ([29 C.F.R. § 1614.101](<https://www.gpo.gov/fdsys/pkg/CFR-2016-title29-vol4/xml/CFR-2016-title29-vol4-part1614.xmlseqnum1614.101>)).

VI. Evidence of Violations

A. Disability Discrimination

FEMA’s failure to provide timely accommodations constitutes disability discrimination ([29 C.F.R. § 1614.203](<https://www.gpo.gov/fdsys/pkg/CFR-2016-title29-vol4/xml/CFR-2016-title29-vol4-part1614.xmlseqnum1614.203>)):

- Unreasonable Delays: RA request RAR0046767 was delayed for 194 days, violating FEMA’s 15–45-day standard (Exhibit 1, p. 12; FEMA Instruction 256-022-01). This delay exacerbated Complainant’s health, breaching [EEOC MD-110](<https://www.eeoc.gov/federal-sector/management-directive/management-directive-110>)).

- Pretextual Denial: FEMA denied telework, claiming physical deployment was essential (Exhibit 1, p. 15). Complainant’s 38-month remote work history (Exhibit 1, p. 8) and the Houston deployment agreement (Exhibit 2) prove telework’s viability. FEMA failed to engage in a meaningful interactive process.
- Confidentiality Breach: On July 10, 2024, FEMA sent unencrypted emails with Complainant’s medical information, violating HIPAA (45 CFR § 164.312) and FEMA Manual 1430.1 (Exhibit 1, p. 25).

B. Age Discrimination

FEMA’s disparate treatment reflects age bias ([29 U.S.C. § 623](<https://www.law.cornell.edu/uscode/text/>)).

- Disparate Treatment: Witness Darla Dickerson testified that FEMA’s denial and termination “appeared discriminatory and lacked due process,” noting younger employees received telework approvals (Exhibit 1, p. 22).
- Supporting Testimony: Russell Towndrow confirmed Complainant’s virtual competence, undermining FEMA’s rationale (Exhibit 1, p. 23).

C. Retaliation

FEMA’s termination was retaliatory ([29 C.F.R. § 1614.101](<https://www.gpo.gov/fdsys/pkg/CFR-2016-title29-vol4/xml/CFR-2016-title29-vol4-part1614.xmlseqnum1614.101>)):

- Temporal Proximity: Termination on January 6, 2025, 17 days after the EEO complaint (Exhibit 1, p. 18), strongly suggests retaliation.
- Procedural Violations: FEMA bypassed 30-day notice and progressive discipline (Exhibit 1, p. 19), violating 5 U.S.C. § 7513 and FEMA Manual 123-13-1.

D. Systemic Non-Compliance

FEMA's broader failures include:

- Failure to Track RA Requests: FEMA does not track RA data by age, violating federal requirements (Exhibit 1, p. 28; Exhibit 4).
- Inadequate FOIA Responses: FEMA's claim of "no responsive records" for RA data suggests withholding, violating 5 U.S.C. § 552 (Exhibit 4).

VII. Impact on Complainant

FEMA's actions caused severe harm:

- Health Deterioration: Delays and denials worsened Complainant's medical conditions.
- Financial Hardship: Termination eliminated income and benefits, hindering medical care access.
- Emotional Distress: FEMA's discriminatory and retaliatory conduct inflicted profound suffering.

VIII. Requested Remedies

Complainant seeks:

- Disability Retirement: \$8,500/month, retroactive to January 6, 2025, due to permanent disabilities exacerbated by FEMA's actions.
- Full Health Insurance: FEMA to cover all premiums, addressing ongoing medical needs.
- Punitive Damages: Maximum damages to punish FEMA's willful misconduct.

- Exemplary Damages: Maximum damages to deter future violations.
- Compensatory Damages: For emotional distress, pain, suffering, and financial losses.
- Other Relief: Any additional remedies deemed appropriate.

Complainant rejects reinstatement due to FEMA's hostile environment.

IX. Conclusion

The ROI and supporting exhibits unequivocally demonstrate FEMA's violations of federal law, causing irreparable harm. Complainant urges the Administrative Judge to find in his favor and grant the requested remedies in full to uphold justice.

Respectfully submitted,

Max J. Meindl

5 E. Austin Street, Bellville, TX 77418

(832) 293-3671

femamax@gmail.com

May 23, 2025