



FEMA

December 23, 2024

Via email to: brent@bwsmithlaw.com & 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
6th Floor
Houston, TX 77002

Phone	<u>800-669-4000</u>
Fax	<u>713-651-4987</u>

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,
SW 4SW-0915
Washington, DC 20472-3505

FEMA-OCR-EEO@FEMA.dhs.gov

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 Sumpter - Case Manager
Federal Emergency Management Agency (FEMA)