



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. Christophe 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. Christophe 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. 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.

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 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