**MEINDL EEO COMPLAINT SUMMARY**

**Case HS-FEMA-02430-2024**

**Complainant:** Max J. Meindl  
**Agency:** Federal Emergency Management Agency (FEMA)  
**Position:** Emergency Management Specialist, 089, GS-12  
**Date of Complaint:** December 20, 2024  
**Date of Termination:** January 6, 2025

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**Executive Summary**

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

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

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

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

**Chronological Timeline of Events**

**Early History (2018-2019)**

|  |  |  |  |
| --- | --- | --- | --- |
| Date | Event | Personnel Involved | Supporting Documentation |
| August 23, 2018 | Meindl submitted Reasonable Accommodation request (RAR001234) for schedule flexibility due to heart condition (CAD) | Luz Fernandez, Sandra Maddox Britt | RAR001234 submission record |
| September 21, 2018 | Meindl filed harassment complaint (HS-FEMA-01876) | FEMA EEO Office | Complaint HS-FEMA-01876 |
| October 15, 2018 | Harassment complaint closed without investigation | FEMA EEO Office | Closure notification |
| December 12, 2018 | Meindl emailed noting no RA response after 111 days | Winston D. Brathwaite and others | Email correspondence |
| February 12, 2019 | Meindl escalated RA delay citing 172-day wait, heart condition, and postponed surgery | Nicole Oke | Email correspondence |
| March 6, 2019 | Meindl submitted FMLA paperwork as a "no pay option" due to RA inaction | FEMA HR | FMLA application |
| March 8, 2019 | RAR001234 denied after 196 days, citing unspecified reasons | Jamie McAllister | Denial notification |

**FMLA and COVID-19 Period (2019-2020)**

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

**Remote Work Period (2020-2023)**

|  |  |  |  |
| --- | --- | --- | --- |
| Date | Event | Personnel Involved | Supporting Documentation |
| March 2020 - May 2023 | Meindl performed exemplary remote work for 38 months, managing disaster closeouts | FEMA supervisors | Performance evaluations, work records |
| September 21, 2021 | RA (RAR0017691) for COVID-19 vaccine exemption delayed 87 days due to misclassification | FEMA RA Office | RAR0017691 records |
| October 25, 2021 | RA (RAR0020089) for telework; redundant documentation demanded | FEMA RA Office | RAR0020089 records, correspondence |
| October 27, 2021 | Acknowledgment of VSS issues, urging resubmission of vaccination status | Karina Aguilo | Email to Region 6 staff |
| October 28, 2021 | RA (RAR0023278) submitted, remained unresolved for 1,275 days (as of April 25, 2025) | FEMA RA Office | RAR0023278 records |
| January 6, 2022 | RA (RAR0023261) for cardiovascular needs ignored for 1,205 days (as of April 25, 2025) | FEMA RA Office | RAR0023261 records |
| April 20, 2022 | Meindl suffered heart attack, notified supervisor | Richard Cain | Medical records, notification email |
| August 4, 2022 | Meindl submitted RA (RAR0042452) for 100% telework. Endorsed as "reasonable" but ignored for 995 days | Demarque Underhill | RAR0042452 records, endorsement document |
| August 12, 2022 | Questioning of telework approval; no decision recorded | Andrew O'Donovan | Email correspondence |
| August 15, 2022 | Acknowledgment of "procedural disarray"; no action taken | Karina Aguilo | Email correspondence |
| August 17, 2023 | FEMA advertised remote Emergency Management Specialist roles | FEMA HR | Job posting documentation |

**Escalation Period (2023-2024)**

|  |  |  |  |
| --- | --- | --- | --- |
| Date | Event | Personnel Involved | Supporting Documentation |
| October 31, 2023 | Meindl signed Conditions of Employment requiring 24-48 hour deployment | FEMA HR | Signed employment conditions |
| January 2, 2024 | RA (RAR0046767) for permanent telework submitted via ACMS; not assigned until June 12, 2024 (163-day delay) | FEMA RA Office | RAR0046767 submission record |
| January 25, 2024 | Meindl congratulated Traci Brasher; she responded positively | Traci Brasher | Email correspondence |
| February 23, 2024 | Meindl to Brasher: "RA requests never get adjudicated"; Brasher offered discussion via Colleen Sciano | Traci Brasher, Colleen Sciano | Email correspondence |
| May 23-29, 2024 | Anthony In proposed Houston deployment; Meindl agreed, but overruled with "stand down" order in nine minutes | Anthony In | Email correspondence, deployment orders |
| July 8, 2024 | Hurricane Beryl caused $15,000 in damages to Meindl's property. Meindl requested RA update from Brasher | Traci Brasher | Property damage report, email correspondence |
| July 9, 2024 | Meindl offered to deploy despite storm damage: "Keep it close initially... then we can go out further." | FEMA supervisors | Email correspondence |
| July 9-31, 2024 | FEMA Region 6 failed to conduct call-down post-Hurricane Beryl | FEMA Region 6 management | Call-down records (absence of) |
| July 10, 2024 | Brasher assigned RAR0046767 to Shelia Clemons for "expedited processing" after 194 days. Clemons sent unencrypted email exposing COPD/CAD | Traci Brasher, Shelia Clemons | Assignment notification, unencrypted email |
| July 11, 2024 | Meindl confirmed meeting with Clemons, noting prior submissions | Shelia Clemons | Meeting confirmation email |
| July 2024 | Meindl received premature OAST surveys on unresolved RA RAR0023278 | FEMA OAST | Survey documents |

**Denial and Termination Period (2024-2025)**

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

**Post-Termination Period (2025)**

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

**Categorized Violations**

**Rehabilitation Act Violations**

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

1. **Failure to Engage in Interactive Process**
   * **Legal Requirement**: 29 C.F.R. §1630.2(o)(3) requires an "informal, interactive process" to identify appropriate accommodations.
   * **Violations**:
     + Multiple RA requests (RAR001234, RAR0046767, RAR0042452) processed without meaningful dialogue
     + Dismissal of virtual deployment options without proper consideration
     + Failure to explore alternatives before denial
   * **Evidence**: Email correspondence showing minimal engagement; 190-day delay before first interaction on RAR0046767
2. **Denial Without Justification**
   * **Legal Requirement**: 29 C.F.R. §1630.9(a) requires accommodations unless they pose an "undue hardship."
   * **Violations**:
     + RAR001234 denied after 196 days citing unspecified reasons
     + RAR0046767 denied despite 38-month history of successful remote work
     + No documented assessment of hardship for virtual deployment
   * **Evidence**: Denial letters lacking specific justification; contradictory deployment practices
3. **Failure to Process Timely**
   * **Legal Requirement**: While no specific timeline is mandated by law, EEOC guidance suggests "expeditious processing."
   * **Violations**:
     + RAR001234: 196-day delay
     + RAR0046767: 190-day delay before assignment
     + RAR0023278: Unresolved for 1,275 days
     + RAR0023261: Unresolved for 1,205 days
     + RAR0042452: Unresolved for 995 days
   * **Evidence**: Submission timestamps and processing records
4. **Ignoring Remote Work Success**
   * **Legal Requirement**: 29 C.F.R. §1630.2(n) defines "essential functions" as fundamental job duties.
   * **Violations**:
     + Denial based on deployment as "essential function" despite 38 months of successful remote work
     + Failure to consider demonstrated ability to perform job functions remotely
   * **Evidence**: Performance evaluations during remote period; work records
5. **Termination Without Accommodations**
   * **Legal Requirement**: 29 C.F.R. §1630.2(o)(1)(ii) includes reassignment as a potential accommodation.
   * **Violations**:
     + Termination citing "medical inability" without exhausting accommodation options
     + Inadequate reassignment search excluding virtual positions
     + Termination 17 days after EEO complaint filing
   * **Evidence**: Termination letter; reassignment search documentation

**EEOC Management Directive 110 Violations**

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

1. **Procedural Disarray (§III.A)**
   * **Requirement**: Agencies must maintain an orderly process for handling complaints.
   * **Violations**:
     + "Procedural disarray" acknowledged by Karina Aguilo on August 15, 2022
     + Multiple unassigned and unprocessed RA requests
   * **Evidence**: Aguilo email; tracking records showing multiple unresolved requests
2. **Documentation Errors (§IV.A)**
   * **Requirement**: Proper documentation of all aspects of the EEO process.
   * **Violations**:
     + Misclassification of RAR0017691 causing 87-day delay
     + Blank forms and incomplete records
     + Undocumented decisions (e.g., Andrew O'Donovan's questioning of telework approval)
   * **Evidence**: RA processing records; email correspondence
3. **Exceeding Timelines (§IV.D)**
   * **Requirement**: Agencies should process complaints within 180 days.
   * **Violations**:
     + Multiple RA requests exceeding 180-day timeline
     + RAR0046767 processed after 190 days, exceeding regulatory timeframe
   * **Evidence**: Submission and processing timestamps
4. **Lack of Interactive Process (§VI.A)**
   * **Requirement**: Agencies must engage in meaningful dialogue about accommodations.
   * **Violations**:
     + Failure to engage supervisors in accommodation discussions
     + No exploration of alternatives to physical deployment
   * **Evidence**: Email correspondence; affidavits showing minimal engagement
5. **Redundant Documentation Demands (§VI.C)**
   * **Requirement**: Agencies should not impose unnecessary documentation burdens.
   * **Violations**:
     + Requiring already-submitted information for RAR0020089
     + Keya Jackson providing RA Fact Sheet requiring redundant documentation
   * **Evidence**: Email correspondence; documentation requests
6. **Undocumented Decisions (§VI.D)**
   * **Requirement**: All decisions must be properly documented.
   * **Violations**:
     + No recorded decision after Andrew O'Donovan's questioning of telework approval
     + Lack of documentation for "stand down" order overruling Houston deployment
   * **Evidence**: Absence of decision documentation in records
7. **Retaliation Indicators Ignored (§XI)**
   * **Requirement**: Agencies must prevent retaliation for EEO activity.
   * **Violations**:
     + 17-day proximity between EEO filing (December 20, 2024) and termination (January 6, 2025)
     + No progressive discipline before termination
   * **Evidence**: Timeline of events; termination letter

**FEMA Policy Violations**

1. **FEMA Instruction 256-022-01 (Reasonable Accommodation)**
   * **Requirement**: 45-day processing timeline for RA requests.
   * **Violations**:
     + Multiple RA requests exceeding 45-day timeline
     + RAR0046767: 190 days before assignment
     + RAR0023278: 1,275 days without resolution
     + RAR0023261: 1,205 days without resolution
     + RAR0042452: 995 days without resolution
   * **Evidence**: RA submission and processing records
2. **FEMA Manual 123-13-1 (Discipline and Adverse Actions)**
   * **Requirement**: Progressive discipline and consideration of Douglas Factors before termination.
   * **Violations**:
     + No progressive discipline before termination
     + No documentation of Douglas Factors consideration
     + Immediate termination for "medical inability" without prior warnings
   * **Evidence**: Personnel records; termination letter
3. **FEMA Directive 123-0-2-1 (Employee Welfare)**
   * **Requirement**: Welfare checks for employees affected by disasters.
   * **Violations**:
     + Failure to conduct welfare check post-Hurricane Beryl despite $15,000 in damages to Meindl's property
     + No call-down conducted July 9-31, 2024
   * **Evidence**: Absence of welfare check documentation; property damage report

**Age Discrimination in Employment Act Violations**

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

1. **Disparate Treatment**
   * **Legal Requirement**: 29 U.S.C. §623(a)(1) prohibits discrimination based on age.
   * **Violations**:
     + Different treatment compared to younger employees
     + Meindl (age 73) denied accommodations while similar arrangements made for others
   * **Evidence**: Meindl's statement about feeling "singled out as a senior citizen"; comparative treatment records
2. **Preferential Treatment for Younger Employees**
   * **Legal Requirement**: 29 U.S.C. §623(a)(2) prohibits limiting employment opportunities based on age.
   * **Violations**:
     + Remote positions advertised on August 17, 2023, while denying similar accommodation to Meindl
     + Younger employees granted telework accommodations
   * **Evidence**: Job posting documentation; comparative accommodation records
3. **Age-Based Scrutiny**
   * **Legal Requirement**: 29 U.S.C. §623(a)(1) prohibits discrimination in terms and conditions of employment.
   * **Violations**:
     + Meindl felt "singled out as a senior citizen" (October 22, 2019)
     + Heightened scrutiny of work arrangements compared to younger colleagues
   * **Evidence**: Email correspondence; comparative treatment documentation
4. **Welfare Neglect**
   * **Legal Requirement**: 29 U.S.C. §623(a)(1) prohibits discrimination in terms and conditions of employment.
   * **Violations**:
     + Failure to check on older employee after hurricane damage
     + No call-down conducted despite agency policy
   * **Evidence**: Absence of welfare check documentation; property damage report

**Other Federal Law Violations**

1. **HIPAA (45 CFR §164.312)**
   * **Requirement**: Protection of electronic protected health information.
   * **Violation**: Shelia Clemons sent unencrypted email exposing Meindl's COPD/CAD on July 10, 2024.
   * **Evidence**: Unencrypted email correspondence
2. **FMLA (29 C.F.R. §825.202)**
   * **Requirement**: Proper application of FMLA leave policies.
   * **Violations**:
     + Dennis Alexander denied Meindl's intermittent FMLA leave on June 26, 2019
     + Misapplication of FMLA policy regarding workload
   * **Evidence**: FMLA denial notification; policy clarification email
3. **5 U.S.C. §7513 (Adverse Actions)**
   * **Requirement**: 30-day notice before removal of federal employees.
   * **Violation**: No 30-day notice provided before January 6, 2025 termination.
   * **Evidence**: Termination letter; absence of prior notice
4. **OMB M-17-06 (Customer Experience)**
   * **Requirement**: Proper timing of customer feedback surveys.
   * **Violation**: Premature OAST surveys sent for unresolved RA RAR0023278 in July 2024.
   * **Evidence**: Survey documents; RA processing records

**Key Observations and Implications**

1. **Systemic Processing Failures**
   * The extreme delays in processing RA requests (up to 1,275 days) indicate a systemic breakdown in FEMA's reasonable accommodation process.
   * These delays violate both FEMA's own policies and federal guidelines for "expeditious processing."
   * **Implication**: These systemic failures suggest institutional problems beyond individual discrimination, potentially affecting other employees with disabilities.
2. **Demonstrated Remote Work Capability**
   * Mr. Meindl successfully worked remotely for 38 months (March 2020-May 2023), demonstrating his ability to perform essential functions without physical deployment.
   * The subsequent denial of telework accommodation contradicts this established performance record.
   * **Implication**: This contradiction undermines FEMA's claim that physical deployment was an "essential function" that could not be accommodated.
3. **Willingness to Deploy with Accommodations**
   * Evidence shows Mr. Meindl agreed to deploy to Houston (May 23-29, 2024) and offered to deploy despite hurricane damage to his property (July 9, 2024).
   * This contradicts affidavit claims that he "refused to deploy."
   * **Implication**: These false statements in official affidavits suggest an attempt to create a post-hoc justification for the termination decision.
4. **Pattern of Age Discrimination**
   * Multiple instances suggest age-based discrimination, including Mr. Meindl feeling "singled out as a senior citizen" and remote positions being advertised while denying similar accommodation to him.
   * At age 73, Mr. Meindl was significantly older than the protected age threshold of 40 under the ADEA.
   * **Implication**: The age discrimination pattern suggests a potential agency bias against older employees, particularly those with health conditions.
5. **Retaliatory Timing**
   * The 17-day proximity between filing the formal EEO complaint (December 20, 2024) and termination (January 6, 2025) strongly suggests retaliation.
   * This timing, combined with the lack of progressive discipline or 30-day notice, violates both FEMA policy and federal law.
   * **Implication**: The retaliatory timing creates a strong presumption of illegal reprisal for protected EEO activity.
6. **Affidavit Inconsistencies**
   * Multiple FEMA officials' affidavits contain apparent misrepresentations, including false claims that Mr. Meindl refused to deploy and denials of knowledge about his accommodation history.
   * Traci Brasher's denial of termination knowledge despite her role as Acting Regional Administrator is particularly problematic.
   * **Implication**: These inconsistencies suggest coordination among officials to obscure responsibility and create a false narrative.
7. **Policy Implementation Gap**
   * While FEMA's 2025 policy includes more detailed procedures and protections than the 2020 version, the case demonstrates a significant gap between written policy and actual implementation.
   * The newer policy's provisions for deployment accommodations might have prevented this situation if properly implemented.
   * **Implication**: This gap suggests that policy improvements alone are insufficient without proper training, oversight, and accountability mechanisms.
8. **Medical Privacy Breach**
   * The unencrypted email exposing Mr. Meindl's medical conditions (COPD/CAD) represents a serious privacy breach under HIPAA regulations.
   * This breach occurred during the "expedited processing" of his accommodation request after a 194-day delay.
   * **Implication**: This privacy violation indicates carelessness in handling sensitive medical information and potential broader compliance issues.

**Conclusion**

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

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

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

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