**Rebuttal to Affidavit of Witness Traci L. Brasher**

**From: Max J. Meindl**  
**Date: April 16, 2025**

Dear LaKisha Wilson,

This rebuttal addresses the inaccuracies in Traci L. Brasher’s affidavit, dated April 8, 2025, concerning my EEO complaint (HS-FEMA-02430-2024). As Deputy Regional Administrator, Ms. Brasher was aware of my Reasonable Accommodation (RA) struggles but failed to intervene effectively, contributing to the denial of RAR0046767 on August 16, 2024, and my termination on January 6, 2025. Below, I refute her claims with evidence from my affidavit (February 14, 2025), TEAMS chats, and supporting documents. A table summarizing key contradictions is included for clarity.

**Rebuttal to Ms. Brasher’s Claims**

* **Mischaracterization of RA Request and Deployment Willingness**
  + Ms. Brasher claims I sought “100% virtual” work due to my prior Public Assistance role (Brasher Affidavit, p. 2, Q11). This ignores the medical necessity—COPD and CAD—driving my telework request (RAR0046767, January 2, 2024).
  + She omits my willingness to deploy. On May 23, 2024, Anthony In proposed deploying me to Houston, and I agreed, but he was overruled with a “stand down” order.
  + Her assertion that the RA was denied for removing an “essential function” (p. 3, Q2) disregards my 38-month remote success (March 2020–May 2023) and FEMA’s remote job postings (August 17, 2023).
  + No individualized assessment, as required by the Rehabilitation Act (29 C.F.R. § 1630.2(n)(3)), explored virtual options.
* **Incomplete Account of Involvement in RA Delays**
  + Ms. Brasher states she acted in July 2024 by assigning RAR0046767 for “expedited processing” (p. 3, Q2). I alerted her to delays earlier: January 25, 2024 (offering assistance), February 23, 2024 (noting RAs “never get adjudicated”), and July 8, 2024 (prompting her admission FEMA was “very far behind”).
  + The 194-day delay (January 2–July 10, 2024) violated FEMA’s 45-day policy (FEMA Instruction 256-022-01). Her late intervention failed to address systemic neglect.
  + No interactive process followed, and the denial ignored my remote track record.
* **Omission of Retaliatory Termination Context**
  + Ms. Brasher claims “no direct knowledge” of my January 6, 2025 termination (p. 3, Q1), despite her role as Acting Regional Administrator.
  + On December 4, 2024, I messaged her about the RA denial and job loss fears; she promised follow-up (Brasher Affidavit, p. 3, Q3). This contradicts her detachment.
  + Termination, 17 days after my EEO complaint (December 20, 2024), aligns with EEOC’s temporal proximity standard (Clark County v. Breeden, 532 U.S. 268).
* **Unsupported Denial of Discrimination**
  + Ms. Brasher denies age (74) or disability factored into the denial or termination (p. 3, Q5; p. 4, Q4). This overlooks my marginalization compared to younger, non-disabled employees, FEMA’s remote job postings, HIPAA violations (Clemons’ July 10, 2024 email), and Mark Underhill’s ignored 2022 endorsement.
  + Systemic RA delays (up to 1,203 days) reflect disregard for my disability needs, violating the Rehabilitation Act and ADEA (Babb v. Wilkie, 140 S. Ct. 1168).
* **Selective Witness Recommendations**
  + Ms. Brasher suggests Jodi Hunter, Karina Aguilo, Anthony In, and Shelia Clemons (p. 3, Q7; p. 4, Q6) but excludes Mark Underhill and Darla Dickerson, my named witnesses.
  + Underhill’s endorsement and Dickerson’s knowledge of my isolation are critical to FEMA’s inaction, risking an incomplete investigation.

**Discrepancies in Traci L. Brasher’s Affidavit**

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| Brasher’s Claim | Evidence Contradicting Claim |
| RA sought due to prior virtual role (p. 2, Q11). | Medically necessary due to COPD/CAD; agreed to deploy May 23, 2024. |
| Denial due to “essential function” removal (p. 3, Q2). | 38-month remote success; FEMA’s remote job postings (August 17, 2023). |
| Acted promptly in July 2024 (p. 3, Q2). | Aware since January 25, 2024; 194-day delay persisted. |
| No knowledge of termination (p. 3, Q1). | Engaged on December 4, 2024; Acting Regional Administrator during termination. |
| No age/disability discrimination (p. 3, Q5). | Pattern of marginalization; HIPAA breaches; ignored endorsements. |

**Conclusion**

Ms. Brasher’s affidavit distorts my RA’s medical basis, ignores my deployment willingness and FEMA’s “stand down” order, and minimizes her role in a 194-day delay leading to my RA denial and termination. Evidence—my 38-month remote success, TEAMS chats, and EEO filing proximity—points to Rehabilitation Act and ADEA violations. I urge the investigator to review Ms. Brasher’s communications (July–December 2024), interview Mark Underhill and Darla Dickerson, and probe the “stand down” order to uncover FEMA’s actions fully.

Sincerely,  
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