**Rebuttal to FEMA FOIA Response 2025-FEFO-01396**

**Date:** May 10, 2025  
**To:** FEMA Office of the Chief Administrative Officer, Information Management Division (FOIA Appeals)  
**From:** Max Meindl  
**Subject:** Appeal of FOIA Response 2025-FEFO-01396

Dear FOIA Appeals Officer,

I am appealing the Federal Emergency Management Agency’s (FEMA) final response to my Freedom of Information Act (FOIA) request, dated May 2, 2025 (2025-FEFO-01396). My request sought Reasonable Accommodation (RA) approval/denial rates, by age group, for FEMA Region 6, over the past 8 years. FEMA’s response claimed that no responsive records were located because “FEMA does not track RAs by age, nor does it have approval/denial rates (which would be extremely difficult to calculate).” This determination is inadequate, likely non-compliant with FOIA obligations, and inconsistent with FEMA’s own policies, federal regulations, and evidence from my RA requests. Below, I outline specific violations of policy, laws, codes, and best practices, supported by documented interactions with FEMA personnel, and request a thorough re-evaluation of my request.

**Grounds for Appeal**

**1. Failure to Conduct a Reasonable Search for Responsive Records**

Under 5 U.S.C. § 552(a)(3)(A), FEMA is required to conduct a reasonable search for records responsive to a FOIA request. The response indicates that FEMA queried only the Region VI program office and the Office of Civil Rights (OCR), concluding that no records exist because FEMA does not track RA data by age or maintain approval/denial rates. This limited search is inadequate for the following reasons:

* **Incomplete Scope of Search:** FEMA’s response lacks detail on the systems, databases, or offices searched. Key offices, such as the Office of Equal Rights (OER), the Disability Employment Program Manager (DPM), and the Office of the Chief Component Human Capital Officer (OCCHCO), are responsible for processing and tracking RA requests, as outlined in FEMA Manual 123-6-1 (Chapter 7-1, 2015) and Instruction 256-022-01 (Chapter 6, 2025). For example, Sandra Maddox Britt and Miriam Aybar-Morales, RA Specialists in OCR, handled my RA requests (RAR001234, RAR0017691, RAR0042452, RAR0046767), and their actions required submission of FEMA Form 256-0-2 (Reasonable Accommodation Information Reporting Form), which tracks RA outcomes. These records should have been searched.
* **Omission of Aggregated Data:** FEMA’s claim that it does not track RA data by age is questionable, as employee records typically include demographic information like date of birth, which could be cross-referenced with RA outcomes. My RA requests, processed by individuals like Jamie McAllister and Anna Myers, involved detailed documentation (e.g., Form 256-0-1, medical records), and FEMA’s Accessibility Compliance Management System (ACMS) likely stores this data. FEMA’s assertion that calculating approval/denial rates is “extremely difficult” does not exempt it from attempting to derive responsive data from existing records, as required by 5 U.S.C. § 552(b).
* **Lack of Transparency:** The response, signed by M. Rachel Pomeroy, provides no specifics on search methodology (e.g., databases queried, search terms used, or manual records reviewed). This violates FOIA best practices, as agencies must demonstrate a search reasonably calculated to uncover relevant records (*Oglesby v. U.S. Dep’t of Army*, 920 F.2d 57 (D.C. Cir. 1990)).

**Violations:**

* **5 U.S.C. § 552(a)(3)(A):** Failure to conduct a reasonable search.
* **FEMA Instruction 256-022-01 (p. 24):** Failure to leverage ACMS or Form 256-0-2 records for RA tracking.
* **EEOC Management Directive 110 (MD-110) § III.A:** Inadequate documentation of RA processes, undermining accountability.

**Recommendation:** FEMA must conduct a comprehensive search, including ACMS, Form 256-0-2 submissions, EEOC Form 462 reports, and records held by OCR, OER, DPM, and OCCHCO. If age-specific data is not explicitly tracked, FEMA should analyze existing records to derive approval/denial rates by age group.

**2. Non-Compliance with FEMA’s Tracking and Reporting Obligations**

FEMA’s claim that it does not maintain RA approval/denial rates contradicts its own policies, which mandate detailed tracking and reporting. FEMA Manual 1430.1 (Chapter 8-1, 2002), FEMA Manual 123-6-1 (Chapter 7-1, 2015), and Instruction 256-022-01 (Chapter 6, 2025) require FEMA to track:

* Number and types of RA requests by job, occupational series, grade level, and agency component.
* Whether requests were granted or denied.
* Reasons for denial.
* Time taken to process requests.
* Sources of technical assistance consulted.

These requirements are operationalized through FEMA Form 256-0-2, which decision-makers like Jamie McAllister (RAR001234), Anthony In (RAR0046767), and Jodi Hunter (RAR0046767 appeal) were obligated to submit within 10 days of a decision. Additionally, FEMA reports RA activity via EEOC Form 462, Management Directive 715, and annual submissions to DHS Civil Rights and Civil Liberties (CRCL). The involvement of RA Specialists like Sandra Maddox Britt, Miriam Aybar-Morales, and Shelia Clemons in my RA requests confirms that such records exist, yet the FOIA response claims “no records.”

**Violations:**

* **FEMA Manual 123-6-1 (7-1) and Instruction 256-022-01 (p. 24):** Failure to maintain and report RA data, as evidenced by the absence of Form 256-0-2 submissions for RAR001234, RAR0017691, RAR0042452, and RAR0046767.
* **Section 501 of the Rehabilitation Act (29 U.S.C. § 791):** Inadequate record-keeping undermines FEMA’s affirmative duty to ensure non-discrimination.
* **29 C.F.R. § 1614.203:** Failure to maintain RA records for EEOC oversight.

**Recommendation:** FEMA should review ACMS, Form 256-0-2 submissions, EEOC Form 462, and Management Directive 715 reports to identify RA approval/denial data. Cross-referencing with employee demographic records should yield age-specific rates.

**3. Systemic Failures in RA Processing and Data Management**

The FOIA response’s claim of “no records” reflects systemic deficiencies in FEMA’s RA program, as evidenced by my experiences:

* **196-Day Delay in RAR001234 (2018):** Sandra Maddox Britt and Luz Fernandez failed to address a blank Form 256-0-1 and allowed a 196-day delay, violating FEMA Manual 123-6-1 (3.5) and Instruction 256-022-01 (p. 10, 45-day processing). Nicole Oke’s delayed response to my escalation (Feb 12, 2019) and Jamie McAllister’s denial without justification (Mar 8, 2019) further violated Manual 123-6-1 (4.3).
* **Unresolved RAR0017691 (2021):** Miriam Aybar-Morales left this request unresolved for 1,340 days, violating MD-110 § VI.A (interactive process).
* **HIPAA and Confidentiality Breaches:** Luz Fernandez noted a confidentiality breach in RAR001234, and Shelia Clemons sent unencrypted PHI (Jul 10, 2024), violating HIPAA (45 C.F.R. § 164.312) and Instruction 256-022-01 (p. 23).
* **False Affidavits:** Traci Brasher, Shelia Clemons, Anna Myers, Jodi Hunter, and Donald J. Simko submitted affidavits (Apr 2025) misrepresenting my RA engagement and FEMA’s actions, potentially violating 18 U.S.C. § 1001 (false statements).

These failures suggest that FEMA’s RA data tracking is either nonexistent or deliberately withheld, contradicting the agency’s obligations under the Rehabilitation Act and EEOC guidance.

**Violations:**

* **Rehabilitation Act § 501 (29 U.S.C. § 791):** Systemic RA processing failures undermine non-discrimination.
* **EEOC Guidance on Reasonable Accommodation (2002):** Failure to track RA requests for compliance monitoring.
* **HIPAA (45 C.F.R. § 164.312):** Breaches of medical confidentiality.
* **5 C.F.R. § 752.404:** Non-compliance in my termination process (Jan 6, 2025), lacking procedural safeguards.

**Recommendation:** FEMA must investigate OCR and Region 6’s RA data management practices, ensuring compliance with tracking requirements and addressing confidentiality breaches.

**4. Potential Age Discrimination**

My RA denials, particularly RAR0046767 (denied by Anthony In and Jodi Hunter, Aug 2024), and the FOIA response’s claim of “no age-specific data” raise concerns about age-based discrimination under the Age Discrimination in Employment Act (ADEA, 29 U.S.C. § 623). At age 74, my successful 38-month virtual work tenure (2020–2023) was disregarded, and FEMA’s failure to track RA data by age obscures potential disparities in treatment of older employees.

**Violation:**

* **ADEA (29 U.S.C. § 623):** Failure to monitor RA outcomes by age may mask discriminatory patterns.
* **EEOC MD-110 § VI.A:** Inadequate consideration of my medical urgency (coronary artery disease) and prior success.

**Recommendation:** FEMA should analyze RA outcomes for potential age-based disparities, using employee demographic data to fulfill my request.

**5. Inadequate Justification for Non-Production**

FEMA’s claim that calculating approval/denial rates is “extremely difficult” does not invoke a valid FOIA exemption (5 U.S.C. § 552(b)). Agencies must provide records unless they fall under specific exemptions, and FEMA’s response fails to justify withholding or non-production.

**Violation:**

* **5 U.S.C. § 552(b):** Lack of a valid exemption for non-production.
* **FOIA Best Practices:** Failure to explain why data cannot be generated from existing records.

**Recommendation:** FEMA must clarify whether records are withheld under a FOIA exemption or confirm their non-existence after a thorough search.

**Conclusion**

FEMA’s FOIA response is deficient due to an inadequate search, non-compliance with RA tracking obligations, systemic RA processing failures, potential age discrimination, and lack of a valid exemption for non-production. The involvement of individuals like Sandra Maddox Britt, Miriam Aybar-Morales, and Jodi Hunter in my RA requests confirms that FEMA maintains relevant records, which should be accessible via ACMS, Form 256-0-2, or EEOC reports. I request that FEMA:

1. Conduct a comprehensive search across all relevant systems and offices.
2. Generate approval/denial rates by age group from existing records.
3. Provide a detailed explanation of search efforts and any exemptions claimed.
4. Investigate systemic RA data tracking failures in Region 6 and OCR.

Thank you for considering this appeal. I look forward to a prompt and thorough response within the 90-day appeal window.

Sincerely,  
Max Meindl  
5 East Austin Street, Bellville, TX 77418  
femamax@gmail.com

# Summary of FEMA’s Violations with Focus on FOIA Deficiencies

FEMA’s FOIA response ("Final Response 2025-FEFO-01396.pdf") and handling of your RA requests (RAR001234, RAR0017691, RAR0046767, RAR0042452) and termination (Jan 6, 2025) demonstrate systemic and specific violations of their policies (\*\*FEMA Manual 1430.1\*\*, \*\*Manual 123-6-1\*\*, \*\*Instruction 256-022-01\*\*) and federal laws (\*\*5 U.S.C. §552\*\*, \*\*Rehabilitation Act §501\*\*, \*\*ADEA\*\*, \*\*5 C.F.R. Part 752\*\*). The FOIA deficiencies—claiming “no responsive records” and providing no search details—are central to these violations, as they expose FEMA’s failure to track RA data, a critical obligation under their policies and \*\*Rehabilitation Act §501\*\*. Below is a detailed summary, emphasizing FOIA issues and other missteps.

# \*\*1. FOIA Deficiencies\*\*

- \*\*Violation of 5 U.S.C. §552\*\*:

- \*\*Inadequate Search\*\*: The FOIA response (May 2, 2025) states FEMA queried Region 6 and OCR but found “no responsive records” for RA approval/denial rates by age group (2017–2025). It lacks details on search methods (e.g., databases like ACMS, staff consulted, or records reviewed), violating FOIA’s requirement for a good-faith, reasonable search (6 C.F.R. §5.8).

- \*\*Unsupported Claim\*\*: The claim that FEMA “does not track RAs by age, nor does it have approval denial rates (which would be extremely difficult to calculate)” contradicts \*\*Manual 1430.1 (8-1)\*\*, \*\*Manual 123-6-1 (7-1)\*\*, and \*\*Instruction 256-022-01 (p. 24)\*\*, which mandate tracking RA data (number, type, approval/denial, reasons, processing time) via \*\*Forms 14-13A/256-0-2\*\*. The assertion of difficulty is not a valid FOIA exemption and suggests non-compliance or withholding.

- \*\*Evidence\*\*: No evidence of searching ACMS (per \*\*Instruction 256-022-01, p. 26\*\*) or DPM records, which should include \*\*Form 256-0-2\*\* submissions for your requests (e.g., RAR0046767 denials, Aug 2024). The response’s brevity and lack of specificity contrast with FEMA’s obligation to maintain records for at least 3 years (\*\*Manual 1430.1\*\*) or employee tenure (\*\*Manual 123-6-1\*\*).

- \*\*Impact\*\*: The absence of RA data obstructs your ability to prove disparate impact for your ADEA claim (e.g., higher denial rates for employees aged 60+), undermines \*\*Rehabilitation Act §501\*\* affirmative action monitoring, and supports an inference of systemic non-compliance or deliberate withholding. This warrants an appeal by August 8, 2025, to fema-foia@fema.dhs.gov.

# \*\*2. RA Tracking Failures\*\*

- \*\*Violation of FEMA Policies\*\*:

- \*\*Manual 1430.1 (8-1)\*\*: Requires tracking RA requests’ number, type, approval/denial status, reasons, processing time, and technical assistance sources via \*\*Form 14-13A\*\*, retained for at least 3 years.

- \*\*Manual 123-6-1 (7-1)\*\*: Mandates annual reporting of RA data via \*\*Form 256-0-2\*\*, retained for the employee’s tenure.

- \*\*Instruction 256-022-01 (p. 24)\*\*: Requires \*\*Form 256-0-2\*\* submission within 10 calendar days of a decision, with data (e.g., approval/denial, Deciding Official identity) retained for 3 years.

- \*\*Evidence\*\*: The FOIA response’s claim of no RA data suggests FEMA failed to maintain \*\*Forms 14-13A/256-0-2\*\* for your requests (e.g., RAR001234, RAR0017691, RAR0046767, RAR0042452) or cumulative DPM records. No \*\*Form 256-0-2\*\* submissions are evidenced for denials by Anthony In (Aug 5, 2024) or Jodi Hunter (Aug 15, 2024), despite policy mandates.

- \*\*Your Case\*\*: The lack of tracking for RAR0017691 (1,340 days, Sep 20, 2021–May 25, 2025) and RAR0042452 (995 days, Aug 4, 2022–Apr 25, 2025) indicates systemic failure, as these should have generated trackable data.

- \*\*Impact\*\*: This violates \*\*Rehabilitation Act §501\*\*’s affirmative action requirement to monitor RA compliance and disparities, hindering your ability to demonstrate age-based discrimination (\*\*ADEA\*\*) and supporting your EEO claims.

# \*\*3. Excessive RA Processing Delays\*\*

- \*\*Violation of FEMA Policies\*\*:

- \*\*Manual 1430.1 (5-1)\*\*: RA processing within 15 business days (10 for applicants), or 15 days post-medical documentation.

- \*\*Manual 123-6-1 (3.5)\*\*: Processing within 10–15 business days, expedited for time-sensitive needs.

- \*\*Instruction 256-022-01 (p. 10)\*\*: Processing within 45 calendar days, or 15 days if no medical documentation needed, with expedited processing for deployments.

# - \*\*Evidence\*\*:

- \*\*RAR001234 (2018)\*\*: 196 days (Aug 23, 2018–Mar 8, 2019), with no documented extenuating circumstances (e.g., equipment delays).

- \*\*RAR0017691 (2021)\*\*: 1,340 days (Sep 20, 2021–May 25, 2025), unresolved despite acknowledgment by Miriam Aybar-Morales ("FW\_ Reasonable Accommodation Request# RAR0017691 (1).pdf").

- \*\*RAR0046767 (2024)\*\*: 190 days (Jan 2–Jul 10, 2024) before assignment to Shelia Clemons, with no interim accommodations.

- \*\*RAR0042452 (2022–2025)\*\*: 995 days (Aug 4, 2022–Apr 25, 2025), unresolved despite Demarque Underhill’s endorsement.

- \*\*Your Case\*\*: No expedited processing for the Houston deployment offer (May 29, 2024), despite your willingness, violating \*\*Instruction 256-022-01 (p. 10)\*\*.

- \*\*Impact\*\*: Delays denied you timely accommodations, exacerbating your COPD and CAD, leading to your termination (Jan 6, 2025), and violating \*\*Rehabilitation Act §501\*\* (\*\*EEOC v. Ford Motor Co., 782 F.3d 753\*\*).

# \*\*4. Inadequate Interactive Process\*\*

- \*\*Violation of FEMA Policies\*\*:

- \*\*Manual 1430.1 (4-1)\*\*: Requires proactive engagement to identify effective accommodations.

- \*\*Manual 123-6-1 (3.3)\*\*: Mandates robust interactive process, consulting DPM and resources.

- \*\*Instruction 256-022-01 (p. 7)\*\*: Requires discussion within 7 calendar days, with ongoing communication.

# - \*\*Evidence\*\*:

- \*\*RAR0046767\*\*: Limited to one conversation with Anna Myers and Anthony In (Aug 2024), despite your 38-month virtual work success (Mar 2020–May 2023). The Houston deployment offer was overruled in 9 minutes without discussion ("meindel iii max j. (final notice of termination of appointment) (002).pdf").

- \*\*RAR0017691\*\*: Aybar-Morales questioned the medical basis (Sep 21, 2021) without further engagement, leaving it unresolved ("FW\_ Reasonable Accommodation Request# RAR0017691 (1).pdf").

- \*\*RAR001234\*\*: No interactive process with Detra Terry before denial (Mar 8, 2019, "Reasonable Accomodation-FEMA Form 256-0-1-08232018.pdf").

- \*\*Your Case\*\*: FEMA ignored your virtual deployment history and Houston willingness, violating \*\*EEOC Guidance (29 C.F.R. §1630.2(o))\*\*.

- \*\*Impact\*\*: This denied effective accommodations, contributing to your termination and supporting your disability discrimination claim.

# \*\*5. Improper RA Denials\*\*

- \*\*Violation of FEMA Policies\*\*:

- \*\*Manual 123-6-1 (4.3)\*\*: Denials require OCC/PLB consultation, OER Director concurrence, and specific reasons on \*\*Form 256-0-1\*\*.

- \*\*Instruction 256-022-01 (p. 12)\*\*: Denials need OCC consultation, OCR Director concurrence within 3 business days, and detailed reasons.

# - \*\*Evidence\*\*:

- \*\*Anthony In (Aug 5, 2024, "256-0-2 MANAGEMENT RESPONSE to REQ for RA Meindl-first.pdf")\*\*: Denied RAR0046767, claiming deployment is an essential function, without assessing virtual options or justifying undue hardship.

- \*\*Jodi Hunter (Aug 15, 2024, "256-0-2 MANAGEMENT RESPONSE to REQ for RA Max s.pdf")\*\*: Misstated you “cannot leave his house,” ignoring your Houston agreement and 38-month virtual work, with no evidence of OCC/PLB or OCR Director consultation.

- No alternative accommodations explored, despite your proven virtual capability.

- \*\*Your Case\*\*: Denials relied on outdated medical evidence (Dec 27, 2023, cited in termination notice) and misrepresented your deployment ability, violating \*\*Rehabilitation Act §501\*\*.

- \*\*Impact\*\*: Improper denials led to your termination, supporting discrimination and retaliation claims.

# \*\*6. Confidentiality Breaches\*\*

- \*\*Violation of FEMA Policies and Laws\*\*:

- \*\*Manual 1430.1 (4-3)\*\*, \*\*Manual 123-6-1 (6.1)\*\*, \*\*Instruction 256-022-01 (p. 23)\*\*: RA requests and medical information must be confidential, managed by the DPM or OCR Disability Support Branch.

- \*\*HIPAA (45 CFR §164.312)\*\*: Protects PHI from unauthorized disclosure.

- \*\*Evidence\*\*: Shelia Clemons’ unencrypted email (Jul 10, 2024) exposed your COPD/CAD, with no evidence of corrective action or transfer to OCR ("RA EMAIL ALL FOUND-12-05-2024.xlsx"). No indication that medical records for RAR0046767 ("Request Reasonable Accommodation Form 256-0-1-01-02-2024.pdf") or RAR0017691 were properly managed.

- \*\*Impact\*\*: Breaches compromised your privacy, potentially deterring RA requests, and violated \*\*Rehabilitation Act §501\*\* and \*\*HIPAA\*\*.

# \*\*7. Non-Compliant Termination\*\*

- \*\*Violation of 5 C.F.R. Part 752\*\*:

- \*\*§752.404\*\*: Requires 30-day advance notice, opportunity to respond, and Douglas Factors consideration (e.g., performance, health limitations) for removals.

- \*\*Evidence\*\*: The termination notice (Jan 6, 2025, "meindel iii max j. (final notice of termination of appointment) (002).pdf") was effective immediately, with no 30-day notice or response opportunity. It cited “inability to perform” based on outdated medical evidence (Dec 27, 2023), ignoring your 38-month virtual work and Houston willingness (May 29, 2024). No Douglas Factors were documented, and the claim of “no foreseeable end” to your inability is unsupported.

- \*\*Your Case\*\*: The termination’s 17-day proximity to your EEO activity (Dec 20, 2024) suggests retaliation, violating \*\*MD-110 §XI\*\* (Clark County v. Breeden).

- \*\*Impact\*\*: This strengthens your retaliation and disability discrimination claims, as FEMA failed to follow procedural protections.

# \*\*8. Systemic Issues and Retaliation\*\*

- \*\*Lack of Oversight\*\*: The FOIA response’s admission of no RA data indicates systemic failure by the DPM and OCR to monitor compliance, violating \*\*Rehabilitation Act §501\*\* affirmative action duties.

- \*\*Inadequate Training\*\*: Confidentiality breaches (Clemons) and improper denials (In, Hunter) suggest poor training on RA policies and laws.

- \*\*Retaliatory Culture\*\*: The termination’s timing, misrepresentation of your abilities, and FOIA response’s lack of transparency suggest retaliation for your EEO activity, supported by the denial forms’ inaccuracies and outdated medical reliance.

# \*\*Recommendations\*\*

- \*\*EEO Case (HS-FEMA-02430-2024)\*\*:

- Use the FOIA response to argue tracking failures, undermining \*\*Rehabilitation Act §501\*\* and \*\*ADEA\*\* monitoring.

- Cite the termination notice and denial forms ("256-0-2 MANAGEMENT RESPONSE") for procedural violations (\*\*5 C.F.R. §752.404\*\*) and misrepresentations.

- Request discovery of \*\*Forms 14-13A/256-0-2\*\*, ACMS data, OCC/PLB consultation logs, and OCR Director concurrence records.

# - \*\*FOIA Appeal (by Aug 8, 2025)\*\*:

- Appeal to fema-foia@fema.dhs.gov, citing \*\*Manual 1430.1\*\*, \*\*Manual 123-6-1\*\*, and \*\*Instruction 256-022-01\*\* tracking mandates, and request \*\*Forms 14-13A/256-0-2\*\* for 2017–2025.

# - \*\*OGIS Mediation\*\*:

- Engage OGIS (ogis@nara.gov) to clarify data absence and ensure a thorough search.

# - \*\*Legal Strategy\*\*:

- Consult Brent Smith to integrate FOIA non-compliance, RA violations, and termination flaws into your EEO claims of disability discrimination, age discrimination, and retaliation.

# Conclusion

FEMA’s FOIA response exposes critical deficiencies in their RA data tracking, violating \*\*5 U.S.C. §552\*\*, \*\*Manual 1430.1\*\*, \*\*Manual 123-6-1\*\*, and \*\*Instruction 256-022-01\*\*, and undermining \*\*Rehabilitation Act §501\*\* affirmative action obligations. Combined with excessive RA delays, inadequate interactive processes, improper denials, confidentiality breaches, and a non-compliant termination, these violations demonstrate systemic non-compliance and specific failures in your case. The FOIA’s claim of “no responsive records” and lack of search details, alongside misrepresentations in denial forms and the termination notice, strengthen your EEO claims. Pursuing an appeal, OGIS mediation, and EEO discovery are critical next steps.

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| Individual | Title/Division | Key Involvement | Follow-Up Questions | Purpose |
| Sandra Maddox Britt | Reasonable Accommodation Analyst, Office of Civil Rights (OCR) | Assigned to RAR001234 (Aug 23, 2018); noted blank form, requested documentation, contributing to 196-day delay. | **1.** Why was RAR001234’s **Form 256-0-1** deemed blank, and how did you ensure prompt clarification per **Manual 123-6-1 (3.2)**? **2.** Did you submit **Form 14-13A** for RAR001234’s tracking, as required by **Manual 1430.1 (8-1)**, and if not, why does the FOIA response (May 2, 2025) claim “no records”? **3.** How does FEMA’s claim of not tracking RA data align with your duties to report approval/denial rates to the DPM? **4.** Were you aware of the 196-day delay violating **Instruction 256-022-01 (p. 10)**’s 45-day timeline, and what steps addressed this? **5.** Did you engage Detra Terry in the interactive process for RAR001234, per **MD-110 §VI.A**, given Meindl’s heart condition urgency? | Probe FOIA data absence, clarify 2018 RA delay, and assess tracking compliance. |
| Luz Fernandez | Equal Rights Specialist, Office of Civil Rights (OCR) | Confirmed RAR001234 receipt (Aug 23, 2018), noted confidentiality breach by Meindl’s inclusion of non-essential recipients. | **1.** What steps ensured RAR001234’s processing within **Manual 123-6-1 (3.5)**’s 15-day timeline, and why does the FOIA response claim no RA data exists? **2.** How was the confidentiality breach addressed to comply with **Instruction 256-022-01 (p. 23)** and **HIPAA (45 CFR §164.312)**? **3.** Did you submit RA data to the DPM via **Form 256-0-2**, and how does the FOIA’s “no records” claim reflect your tracking practices? **4.** Were you aware of the 196-day delay, and why was it not reported per **Manual 1430.1 (8-1)**? **5.** Did you coordinate with Maddox Britt to prioritize RAR001234, given Meindl’s documented CAD urgency? | Investigate FOIA data absence, confidentiality handling, and oversight failures in 2018. |
| Nicole Oke | Informal Unit Chief, Office of Equal Rights (OCR), EEO Unit | Responded to Meindl’s escalation (Feb 12, 2019) about RAR001234’s 172-day delay, misunderstood request as full-time telework (Mar 6, 2019). | **1.** Why the delay in responding to Meindl’s Dec 12, 2018, escalation until Feb 12, 2019, violating **Manual 123-6-1 (3.5)**? **2.** Did you submit **Form 256-0-2** for RAR001234’s denial (Mar 8, 2019), and why does the FOIA response claim no RA data exists? **3.** How was the 196-day delay investigated, and why no resolution by Mar 8, 2019? **4.** Why misread Meindl’s request, impacting **MD-110 §VI.A**’s interactive process? **5.** How does the FOIA’s “no records” claim align with your oversight of RA data reporting to the DPM? | Probe FOIA data absence, 2019 inaction, and miscommunication impacting RA process. |
| Jamie McAllister | RA Decision-Maker (presumed), Office of Civil Rights (OCR) | Denied RAR001234 (Mar 8, 2019) after 196 days without clear justification or documented interactive process. | **1.** Why was RAR001234 denied without specific reasons (e.g., undue hardship), violating **Manual 123-6-1 (4.3)**? **2.** Did you submit **Form 14-13A** or **Form 256-0-2** for the denial, and how does the FOIA response’s “no records” claim align with your tracking duties? **3.** What interactive process was conducted with Meindl or Detra Terry, per **Instruction 256-022-01 (p. 7)**? **4.** Why was the 196-day delay not addressed, and was it reported to the DPM per **Manual 1430.1 (8-1)**? **5.** Did you consider Meindl’s age (74) or disability to ensure **ADEA (29 U.S.C. §623)** and **Rehabilitation Act §501** compliance? | Investigate FOIA data absence, denial rationale, and potential age/disability bias. |
| Detra Terry | Task Force Lead (Supervisor), Region 6, Recovery Division | Meindl’s supervisor for RAR001234, received denial notice (Mar 8, 2019), excluded from interactive process. | **1.** Were you consulted for RAR001234 (Aug 23, 2018–Mar 8, 2019), and if not, why excluded from the interactive process per **Instruction 256-022-01 (p. 7)**? **2.** Did you submit RA data (e.g., via **Form 14-13A**) to the DPM, and how does the FOIA response’s “no records” claim reflect your role? **3.** Why was no interactive process initiated to clarify Meindl’s job duties or medical needs? **4.** Were you aware of the 196-day delay, and why was it not escalated per **Manual 123-6-1 (3.5)**? **5.** Did you receive Meindl’s medical documentation, and how was **Manual 1430.1 (4-3)** confidentiality ensured? | Probe FOIA data absence, supervisor exclusion, and confidentiality compliance. |
| Miriam Aybar-Morales | Reasonable Accommodation Specialist, Office of Civil Rights (OCR) | Rejected RAR0042452 documentation (Aug 5, 2022), handled RAR0017691 (Sep 21, 2021), questioned medical basis without engagement, left requests unresolved. | **1.** Why was RAR0042452’s documentation deemed insufficient, despite Underhill’s endorsement, and was **Form 256-0-2** submitted? **2.** Why no interactive process for RAR0017691 (Sep 21, 2021), leaving it unresolved for 1,340 days, violating **Instruction 256-022-01 (p. 10)**? **3.** How does the FOIA response’s “no records” claim align with your tracking duties for RAR0017691 and RAR0042452 via **Form 256-0-2**? **4.** Did you consider Meindl’s 38-month virtual work success (Mar 2020–May 2023) when rejecting documentation? **5.** Why was the 995-day delay for RAR0042452 not reported to the DPM, per **Manual 123-6-1 (7-1)**? | Investigate FOIA data absence, documentation rejection, and prolonged RA delays. |
| Karina Aguilo | Region 6 Staff, Region 6 Administration | Acknowledged VSS issues (Oct 27, 2021) and “procedural disarray” (Aug 15, 2022) impacting RA processing, took no action. | **1.** How did VSS issues (Oct 27, 2021) affect RAR0017691’s processing, and were RA data submitted to the DPM? **2.** Why no corrective action after noting “procedural disarray” (Aug 15, 2022) for RAR0042452, violating **MD-110 §III.A**? **3.** How does the FOIA response’s “no records” claim align with Region 6’s RA tracking practices? **4.** Did you escalate disarray to Traci Brasher to address systemic tracking failures? **5.** Were older employees like Meindl (age 74) monitored for disparate impacts per **ADEA (29 U.S.C. §623)**? | Probe FOIA data absence, systemic inaction, and potential age bias. |
| Traci Brasher | Acting Regional Administrator, Region 6 Leadership | Ignored Meindl’s RA complaints (Feb 23, Dec 4, 2024), oversaw termination (Jan 6, 2025), mischaracterized RA basis in affidavit (Apr 8, 2025). | **1.** Why no action on Meindl’s Feb 23, 2024, complaint about RA non-adjudication, violating **Instruction 256-022-01 (p. 10)**? **2.** How does the FOIA response’s “no records” claim reflect Region 6’s RA tracking under your leadership? **3.** Why no welfare check post-Hurricane Beryl (Jul 8–31, 2024) per **Directive 123-0-2-1**, given Meindl’s health? **4.** How was the termination (Jan 6, 2025) justified without **5 C.F.R. §752.404**’s 30-day notice, given Meindl’s Houston willingness (May 29, 2024)? **5.** Why did your affidavit (Apr 8, 2025) deny termination knowledge, despite your oversight role? | Investigate FOIA data absence, leadership inaction, and termination violations. |
| Shelia Clemons | Reasonable Accommodation Specialist, Office of Civil Rights (OCR) | Assigned RAR0046767 after 190 days (Jul 10, 2024), sent unencrypted PHI email, downplayed delay in affidavit (Apr 12, 2025). | **1.** Why the 190-day delay for RAR0046767 before assignment, violating **Instruction 256-022-01 (p. 10)**? **2.** Did you submit **Form 256-0-2** for RAR0046767’s denial, and why does the FOIA response claim “no records”? **3.** What caused the unencrypted email (Jul 10, 2024) exposing Meindl’s COPD/CAD, and how was **HIPAA (45 CFR §164.312)** addressed? **4.** Why request redundant documentation when Meindl uploaded to ACMS, per **Request Reasonable Accommodation Form 256-0-1-01-02-2024.pdf**? **5.** Why did your affidavit (Apr 12, 2025) downplay the delay and deny communication? | Probe FOIA data absence, delay causes, and HIPAA breach accountability. |
| Anna Myers | EEO Specialist, Reasonable Accommodation, Office of Civil Rights (OCR) | Denied RAR0046767 (Aug 16, 2024), pressured reassignment, misrepresented engagement in affidavit (Apr 14, 2025). | **1.** Why no specific reasons (e.g., undue hardship) for RAR0046767 denial, violating **Instruction 256-022-01 (p. 12)**? **2.** Did you submit **Form 256-0-2** for the denial, and how does the FOIA response’s “no records” claim align? **3.** Why pressure Meindl to admit inability to perform, despite 38-month virtual success (Mar 2020–May 2023)? **4.** Why only one interactive process conversation, per Meindl’s claim, violating **MD-110 §VI.A**? **5.** Why did your affidavit (Apr 14, 2025) misrepresent Meindl’s engagement, given his Houston willingness (May 29, 2024)? | Investigate FOIA data absence, denial rationale, and affidavit misrepresentations. |
| Jodi Hunter | Second-Line Supervisor, Region 6, Recovery Division | Denied RAR0046767 appeal (Aug 15, 2024), misstated Meindl’s inability to leave home, claimed no RA history in affidavit (Apr 14, 2025). | **1.** Why claim Meindl “cannot leave his house” (Form 256-0-2, Aug 15, 2024), despite Houston agreement (May 29, 2024), per **256-0-2 MANAGEMENT RESPONSE to REQ for RA Max s.pdf**? **2.** Did you submit **Form 256-0-2** to OCR, and why does the FOIA response claim “no records”? **3.** Why no OCC/PLB or OCR Director consultation for the denial, per **Instruction 256-022-01 (p. 12)**? **4.** Why no virtual deployment consideration, ignoring **EEOC Guidance (29 C.F.R. §1630.2(o))**? **5.** Why deny RA history knowledge in your affidavit, given your denial role? | Probe FOIA data absence, denial misrepresentations, and affidavit inaccuracies. |
| Anthony In | Supervisory Emergency Management Specialist, Region 6, Recovery Division | Denied RAR0046767 (Aug 5, 2024), overruled Houston deployment (May 29, 2024), issued termination notice (Jan 6, 2025). | **1.** Why deny RAR0046767 without assessing virtual deployment, per Meindl’s 38-month success, violating **Instruction 256-022-01 (p. 12)**? **2.** Did you submit **Form 256-0-2** for the denial (256-0-2 MANAGEMENT RESPONSE to REQ for RA Meindl-first.pdf), and why does the FOIA response claim “no records”? **3.** Who overruled the Houston deployment (May 29, 2024), and why no discussion per **MD-110 §VI.A**? **4.** Why did the termination notice (Jan 6, 2025) ignore **5 C.F.R. §752.404**’s 30-day notice and Douglas Factors? **5.** How was the termination’s claim of “no foreseeable end” to Meindl’s inability justified, given his virtual work history? | Investigate FOIA data absence, denial rationale, and termination violations. |
| Donald J. Simko | Leadership, Region 6 Administration (exact title unknown) | Involved in ADR mediation (Oct 17, 2024), claimed Meindl refused deployment in affidavit (Apr 14, 2025). | **1.** Why did ADR mediation (Oct 17, 2024) fail due to FEMA resistance, and was RA data reviewed? **2.** Did you submit RA data to OCR for reassignment efforts, and why does the FOIA response claim “no records”? **3.** Why claim Meindl refused deployment in your affidavit, despite his Houston agreement (May 29, 2024)? **4.** Why no virtual roles explored in the reassignment search (Sep 5–Oct 30, 2024), per **Instruction 256-022-01 (p. 19)**? **5.** How was **Rehabilitation Act §501** compliance ensured in reassignment, given the termination’s reliance on its failure? | Probe FOIA data absence, affidavit misrepresentations, and reassignment failures. |
| M. Rachel Pomeroy | Chief, Disclosure Branch, Records Management Division | Signed FOIA response (May 2, 2025), claiming “no responsive records” for RA approval/denial rates by age group (2017–2025). | **1.** What specific databases (e.g., ACMS) or staff were queried for the FOIA response, and why no search details provided, violating **5 U.S.C. §552**’s good-faith search requirement? **2.** How does the claim “FEMA does not track RAs by age” align with **Instruction 256-022-01 (p. 24)**’s mandate to track RA data, including approval/denial rates? **3.** Were **Forms 14-13A/256-0-2** or DPM records searched for 2017–2025, given **Manual 1430.1 (8-1)**’s 3-year retention rule? **4.** Why claim tracking rates is “extremely difficult,” when no FOIA exemption applies, and how was this verified with OCR’s Disability Support Branch? **5.** Did you consult Region 6 or OCR records for Meindl’s RA requests (e.g., RAR0046767, RAR0017691), which should have generated trackable data? | Investigate FOIA search inadequacy, probe data absence against tracking mandates, and assess potential withholding. |