**Rebuttal to Affidavit of Witness Shelia R. Clemons**

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

Dear LaKisha Wilson,

This rebuttal addresses the inaccuracies in Shelia R. Clemons’ affidavit, dated April 12, 2025, concerning my EEO complaint (HS-FEMA-02430-2024). As a Contract Reasonable Accommodation (RA) Specialist, Ms. Clemons’ mishandling of my RA request (RAR0046767) contributed significantly to its denial on August 16, 2024, and my termination on January 6, 2025. Below, I refute her claims with evidence from my affidavit (February 28, 2025), emails, and supporting documents. A table summarizing key contradictions is included for clarity.

**Rebuttal to Ms. Clemons’ Claims**

* **Mischaracterization of RA Processing and My Deployment Capability**
  + Ms. Clemons claims she facilitated communication for RAR0046767, but supervisors denied it due to deployment requirements (Clemons Affidavit, p. 3, Q2). This implies I was unwilling or unable to deploy, which is false.
  + I performed remotely for 38 months (March 2020–May 2023), managing disaster closeouts, as endorsed by Anthony In. On May 23, 2024, I agreed to deploy to Houston when In asked, but he was overruled.
  + Her claim ignores my virtual deployment success (e.g., 4611DR, Sep 2021–May 2023) and FEMA’s remote job postings (August 17, 2023), which undermine the “essential function” argument.
  + No individualized assessment, as required by the Rehabilitation Act (29 C.F.R. § 1630.2(n)(3)), explored virtual options.
* **Failure to Acknowledge 194-Day Delay and HIPAA Violations**
  + Ms. Clemons admits an “unavoidable delay” but downplays her role in the 194-day wait (January 2–July 10, 2024) before contacting me. This violates FEMA’s 45-day policy (FEMA Instruction 256-022-01).
  + She requested duplicate medical documents already in ACMS via unencrypted email, breaching HIPAA (45 CFR §164.312), despite my July 11, 2024 confirmation of prior submission.
  + Her affidavit omits this misconduct and FEMA’s systemic delays, noted by Traci Brasher as “very far behind.”
* **False Denial of Direct Communication**
  + Ms. Clemons claims I did not speak to her about the denial and vaguely recalls sending appeal steps (Clemons Affidavit, p. 3, Q3-4). We held a confirmed meeting on July 11, 2024, at 2:00 CDT to discuss RAR0046767.
  + I received no appeal email post-August 5, 2024 denial, hindering my rights. FEMA’s premature OAST surveys for RAR0023278 reflect further disarray she ignores.
* **Unsupported Denial of Discrimination**
  + Ms. Clemons denies age (74) or disability (COPD/CAD) influenced the denial, claiming I admitted inability to deploy (Clemons Affidavit, p. 3, Q5). I never refused deployment; I sought telework based on proven success.
  + FEMA’s remote job ads suggest accommodations for younger employees. Five RAs faced delays up to 1,203 days, indicating discriminatory neglect.
  + Mark Underhill’s 2022 endorsement was ignored, and no hardship analysis justified the denial, violating the Rehabilitation Act and ADEA.
* **Evasion of Termination Responsibility**
  + Ms. Clemons claims no knowledge of my January 6, 2025 termination, speculating it was due to inability to perform (Clemons Affidavit, p. 4, Q25-28). Termination, 17 days after my EEO complaint (December 20, 2024), suggests retaliation.
  + Her 194-day delay and HIPAA breaches contributed to the RA breakdown, indirectly linked to my termination, which she sidesteps.

**Discrepancies in Shelia R. Clemons’ Affidavit**

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| Clemons’ Claim | Evidence Contradicting Claim |
| Facilitated RAR0046767; denied due to deployment (p. 3, Q2). | 38-month remote success; agreed to deploy May 23, 2024. |
| No fault in 194-day delay (p. 3, Q2). | Violated 45-day policy; requested redundant documents. |
| No direct denial discussion (p. 3, Q3-4). | Met July 11, 2024; no appeal email sent. |
| No age/disability bias (p. 3, Q5). | Ignored remote record, endorsements; systemic delays. |
| No termination knowledge (p. 4, Q25-28). | Delay, breaches linked to retaliatory termination. |

**Conclusion**

Ms. Clemons’ affidavit distorts my RA process, ignores my deployment willingness and remote success, and deflects accountability for a 194-day delay, HIPAA violations, and FEMA’s retaliatory termination. Evidence—my 38-month virtual performance, ignored endorsements, and EEO filing proximity—points to Rehabilitation Act and ADEA violations. I urge the investigator to review Ms. Clemons’ July 2024 emails, interview Mark Underhill and Anthony In, and examine FEMA’s RA delays to uncover the full scope of misconduct.

Sincerely, /S/  
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