**AFFIDAVIT OF COMPLAINANT**

I, MAX J. MEINDL, a resident of Bellville, Texas, in the County of Austin, submit this sworn statement regarding my Equal Employment Opportunity (EEO) complaint against the U.S. Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), on the grounds of discrimination based on my age (73), physical disability, and retaliation.

**Background Information**

* **Full Name:** Max J. Meindl
* **Position at Termination:** Emergency Management Specialist, Program Delivery Task Force Leader (PDTFL)
* **Series & Grade:** 089/GS-12
* **Employment Period:** August 2017 – January 6, 2025
* **Placement:** Denton County – Remote
* **Agency:** DHS/FEMA – Recovery/Public Assistance
* **Home Address:** 5 E. Austin St., Bellville, TX 77418
* **Supervisors:**
  + **First-Line Supervisor:** Anthony In (Email: [Anthony.in@fema.dhs.gov](mailto:Anthony.in@fema.dhs.gov))
  + **Second-Line Supervisor:** Jodi Hunter
  + **Period Under Supervision:** Approximately 1 year

**Job Responsibilities**

As a **Program Delivery Task Force Leader (PDTFL)**, my responsibilities included:

* Serving as an intermediary between the **Public Assistance Group Supervisor (PAGS)** and **Program Delivery Managers (PDMGs)**.
* Communicating Joint Field Office (JFO) operational priorities to PDMGs.
* Ensuring workload balance for PDMGs to facilitate **efficient customer service** to applicants.
* Managing and mentoring PDMGs throughout the **Public Assistance grant delivery process**.
* Overseeing workflow and performance within the **Infrastructure Branch, Recovery Division**.

During my tenure, I successfully performed these duties **remotely for over four years** without any complaints about my work performance.

**Statement of Understanding**

I acknowledge my obligation to cooperate fully with the investigator assigned to conduct a **thorough and impartial investigation** of my complaint. My statement is made under oath in accordance with the **Equal Employment Opportunity Commission (EEOC)** and **DHS Civil Rights regulations**. I am aware that:

* My statement may be shown to the accused individuals, who will have the right to respond.
* The agency’s officials responsible for processing complaints will have **full access** to the investigative report.
* Any retaliation for participation in the EEO process is **strictly prohibited** under **Title VII of the Civil Rights Act of 1964**, the **Age Discrimination in Employment Act (ADEA)**, and the **Rehabilitation Act of 1973**.

**Claims of Discrimination & Retaliation**

**1. Failure to Provide Reasonable Accommodation (August 16, 2024)**

* **Denied Accommodation Request:** My **request for 100% telework** due to my disability was denied.
* **Denial Rationale Provided by FEMA:**
  + **August 5, 2024:** Anthony In stated my request was not viable due to my position’s deployment requirement.
  + **August 15, 2024:** Jodi Hunter reaffirmed the denial, arguing that approving my request would require removing an essential function of deployment from my role.
* **Legal Violations & Discrepancies:**
  + **Rehabilitation Act of 1973, Section 501:** Requires agencies to provide reasonable accommodations unless it creates **undue hardship**.
  + My **190+ day wait for adjudication** violates **EEOC standards** for timely accommodation.
  + My **four years of successful remote work** proves that deployment was **not an essential function**.
* **Failure to Properly Justify Denial:**  
  FEMA failed to clearly state:
  + Why the requested accommodation would not be effective.
  + Why the requested accommodation would result in **undue hardship** to the agency.
  + Whether medical documentation provided was inadequate to establish that I have a disability and need a reasonable accommodation.
  + Whether the requested accommodation would require the **removal of an essential function**.
  + Whether the requested accommodation would require the **lowering of performance or production standards**.

**2. Wrongful Termination (January 6, 2025)**

* **Decision Maker:** Anthony In
* **Other Involved Individuals:** Jodi Hunter, Don Simko, and FEMA legal counsel
* **Termination Reason Given:**
  + FEMA stated it **could not provide reasonable accommodation anywhere within the agency**.
  + No alternative placements were considered despite my **experience and qualifications**.
* **Legal Violations & Retaliation Evidence:**
  + **Smith v. City of Jackson, 544 U.S. 228 (2005):** Established that employment policies can be discriminatory under the **ADEA** based on **disparate impact**, even without intent.
  + **Retaliation:** My termination followed my **formal requests for accommodations**, demonstrating a **direct link** between my **protected activity and adverse action**.

**Comparative Disparities**

* **Younger, Non-Disabled Employees:**
  + Received **professional development opportunities and promotions**.
  + Were provided **flexible work accommodations** that I was denied.
* **Disabled Employees with Different Supervisors:**
  + Were **granted telework** without excessive scrutiny.
* **Employees of Other Races:**
  + Had greater access to **leadership roles and assignments**.

**Witnesses Supporting My Claims**

1. **Mark Underhill** – Former Supervisor, PDTFL ([**markbunderhill@yahoo.com**](mailto:markbunderhill@yahoo.com))
   * Witness to **systemic patterns of discrimination** against older and disabled employees.
2. **Darla Dickerson** – Former Supervisor, PDTFL ([**Darla.Dickerson@fema.dhs.gov**](mailto:Darla.Dickerson@fema.dhs.gov))
   * Can attest to **differential treatment** of employees based on age and disability.
3. **Russel Towndrow** – Public Assistance Group Supervisor ([**Russell.Towndrow@FEMA.DHS.GOV**](mailto:Russell.Towndrow@FEMA.DHS.GOV))
   * Aware of **institutional discrimination patterns**.

**Requested Remedies**

1. **Financial Compensation:**
   * Full **medical/disability retirement compensation of $5,000.00 per month, net**, with **full family health benefits** covered by FEMA.
   * **Compensatory and punitive damages** for emotional distress.
2. **Policy Revisions:**
   * Formal review of FEMA’s **Reasonable Accommodation policies**.
   * **Mandatory bias training** for leadership regarding **ADEA and Rehabilitation Act compliance**.

**Final Affirmation**

The cumulative effect of these actions has **not only affected or ended my career but also severely impacted my health and well-being**.

I have reviewed this statement, consisting of **[#] pages**, and hereby solemnly swear (or affirm) that it is **true and complete** to the best of my knowledge and belief. I understand that the information I have provided will **not be held confidential** and may be shared with the relevant parties in the investigative process.

**Signed:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  
Max J. Meindl  
Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Witness:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  
Investigator Name  
Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_