

Statement of Facts for Legal Review

Koontz v. CTI, Inc. - Multiple Federal Employment Law Violations

Prepared for: Potential Legal Counsel

Date: [Insert Date]

Case Type: Employment discrimination, retaliation, safety violations, wage theft

EXECUTIVE SUMMARY

This case involves systematic employment law violations against a trafficking survivor with PTSD who requested reasonable accommodation for a service dog. CTI, Inc. engaged in a pattern of discrimination, retaliation, safety violations, and constructive discharge that violates at least seven federal statutes. Recent developments include false promises of paid leave followed by wage theft, causing immediate financial hardship including loss of phone service and inability to pay rent.

I. PARTIES

Complainant: Tanaha K. Koontz

- **Status:** Adult survivor of child trafficking (TVPA protected)
- **Medical Status:** Non-impairing condition related to TVPA protected trauma
- **Accommodation:** Trained service dog for tasks related to TVPA protected trauma history
- **Experience:** 8+ years commercial truck driver, valid DOT Medical Certificate
- **Current Program:** Annie Cannons Tech Program for trafficking survivors

Respondent: CTI, Inc.

- **Industry:** Commercial transportation, hazardous materials hauling
 - **Jurisdiction:** FMCSA and OSHA regulated
 - **Employment:** W-2 employee (2-month tenure)
 - **Operations:** Intrastate transportation to/from regulated sites
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II. CHRONOLOGICAL FACTUAL TIMELINE

Employment Begin - March 2025

- **Hired as W-2 truck driver** after 8+ years of industry misclassification as 1099

- **Service dog disclosed during interview** with Ashley (Operations Manager)
- **Service dog disclosed during orientation** with Eric (Safety Manager)
- **Service dog discussed throughout training** with trainer
- **Assigned non-hazmat diluent freight** (not hazardous materials)

May 15, 2025 - Formal ADA Accommodation Request

- **In-person request** to Ana (HR Agent)
- **Requested:** Permission for service dog to accompany during work duties for tasks related to TVPA protected trauma
- **Justification:** Non-impairing condition stemming from TVPA protected trauma history, professionally trained service dog
- **Legal basis:** Reasonable accommodation under Americans with Disabilities Act

May 20, 2025 - Week of Work Activities

- **Regular work duties** hauling non-hazmat diluent freight
- **Ongoing training completion** with trainer supervision
- **Service dog accommodation functioning** without incident

May 27, 2025 - Safety Equipment Failure & OSHA Violations

- **Respirator seal failure** due to new prescription inserts
- **Exposed to sulfuric acid vapor** during work duties
- **OSHA violation:** Company failed to perform required re-fitting after equipment changes
- **Reported to Safety Manager Eric** at headquarters
- **Additional safety concerns raised:** Suit design restrictions, acid vapor in cab

May 27, 2025 - Prohibited ADA Certification Demand

- **In-person meeting** with Kerry Barrette (HR Supervisor) and Ashley (Operations Manager)
- **Kerry Barrette texted requesting service dog certification**
- **Direct violation:** 28 CFR § 35.136(f) prohibits service animal certification requirements
- **Evidence:** Text message documentation preserved

May 28, 2025 - Retaliatory Conduct Begins

- **No dispatch time provided** the previous night
- **Informed of 6:00 AM pickup at 6:30 AM**

- **Railyard manager threatened termination** for lateness caused by their dispatch failure
- **Complainant worked full day** despite threats
- **Pattern established:** Retaliation following accommodation request

May 29, 2025 - Constructive Discharge

- **False representation:** Told "no work due to unavailable materials"
- **Reality:** Complainant removed from dispatch without notification
- **Employer's stated reason:** Medical certificate issues related to PTSD non-disclosure
- **Legal problem:** Non-impairing PTSD does not require DOT disclosure
- **Filed formal internal complaint** citing ADA, TVPA, HIPAA, FMCSA, OSHA violations
- **Requested:** Reinstatement, legal review, non-retaliation assurance

June 2, 2025 - False Promise of Paid Leave

- **Company promise:** CTI represented this would be "paid leave" during accommodation process
- **Reliance:** Complainant relied on promise of continued income during company delay
- **Breach:** No payment received despite explicit promise
- **Immediate harm:** Lost phone service due to inability to pay bills
- **Escalating damages:** Unable to pay rent, facing potential eviction
- **Evidence:** Company communications promising paid status

Ongoing - Employer Silence and Escalating Harm

- **No written response** to May 29 internal complaint (continuing retaliation)
- **No payment** despite June 2 paid leave promise (wage theft)
- **Continuing ADA violation:** Failure to engage in required interactive process
- **Financial distress:** Mounting bills, lost communication access, housing instability