



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Dallas District Office**

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Charge Number: 450-2023- [REDACTED]

Charging Party

Respondent

DETERMINATION

Under the authority vested in me by the Commission's Procedural Regulations, I issue on behalf of the Commission the following determination as to the merits of the subject charge filed under Americans with Disabilities Act of 1990, as amended. All requirements for coverage have been met. Accordingly, Respondent is an employer within the meaning of Americans with Disabilities Act of 1990, as amended and the timeliness and all other jurisdictional requirements for coverage are satisfied.

Charging Party alleges she was discriminated against because of her disability when she was discharged after timely compliance with Respondent's requirements for an extended leave of absence related and due to Charging Party's disability. Charging Party remained in constant continued communication about the required medical care and was terminated by Respondent, who claimed Charging Party failed to return to work after the expiration of her approved scheduled leave of absence. On August 26, 2022, Respondent requested medical release paperwork specifying a return-to-work date of August 31, 2022 with a due date of August 28, 2022. Charging Party responded she was unable to return to work due to health issues. On August 30, 2022, Respondent sent Charging Party paperwork for an extension of the leave of absence "LOA" and set a deadline of September 14, 2022. Days before her termination, Charging Party communicated to Respondent she submitted the doctor's supporting documentation, and informed Respondent she was locked out of Respondent's portal again. Evidence supports Charging Party communicated with Respondent on September 21, 2022, and September 22, 2022. Respondent stated Charging Party was terminated on September 25, 2022, based on her failure to return to work, failure to communicate, and failure to provide the requested medical documentation.

During the investigation, the parties were afforded the opportunity to submit evidence supporting their respective positions. The evidence established Respondent made its decision to terminate Charging Party regardless of the medical evidence and Charging Party's response emails. Charging Party turned in medical documentation to the Respondent's portal when she had access and communicated through email and chats with the assigned representative advising she was locked out of the portal and requesting access to the portal. The evidence shows Charging Party stayed in

continued communication with Respondent, communicating immediately before and after her termination. Charging Party also appealed her discharge asserting her compliance with Respondent's documentation requests. Whether Respondent failed to promptly document the receipt of Charging Party's paperwork or thoroughly investigated her termination appeal, the evidence shows Charging Party did communicate and comply with Respondent's documentation requests and the evidence obtained is contrary to Respondent's defense that Charging Party did not.

Based on this evidence, the Commission finds reasonable cause to believe Charging Party was discriminated against based on her disability and/or because she was regarded as disabled, in violation of the Americans with Disabilities Act of 1990. There is reasonable cause to believe Respondents reason to terminate Charging Party is false and failed to reasonably accommodate when it terminated Charging Party.

Upon finding there is reason to believe that violations have occurred, the Commission attempts to eliminate the alleged unlawful practices by informal methods of conciliation (i.e., settlement). Therefore, the Commission now invites the parties to join with it in reaching a just resolution of this matter. If you wish to participate in conciliation, please email [REDACTED] at [REDACTED] within 10 days from the date of this Letter of Determination.

If Respondent declines to enter into conciliation discussions, or when the Commission's representative for any reason is unable to secure a settlement acceptable to the Commission, the Commission shall so inform the parties in writing and advise them of the court enforcement alternative available to Charging Party, aggrieved persons, and the Commission. The confidentiality provisions of the statute and Commission Regulations apply to information discussed or given during conciliation.

You are reminded that Federal law prohibits retaliation against persons who exercised their right to inquire or complain about matters they believe may violate the law. Discrimination against persons who have cooperated in Commission investigations is also prohibited. These protections apply regardless of the Commission's determination on the merits of the charge.

On Behalf of the Commission:


Digitally signed by Travis
M. Nicholson
Date: 2025.09.12 09:24:17
-05'00'

Travis M. Nicholson
District Director

cc:

Norris G. Guillot
Speakbossman@gmail.com

[REDACTED]