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October 6, 2020

**VIA E-MAIL AND FIRST-CLASS MAIL**

Ms. Chandra M. Vickers, Director  
U.S. Department of Defense  
Equal Employment Opportunity and Diversity  
Fort Meade, MD 20755  
chandra.m.vickers.civ@mail.mil

**Re: Formal Class Complaint of Discrimination by [REDACTED]**

Dear Ms. Vickers:

On June 1, 2020, we initiated an informal discrimination complaint on behalf of [REDACTED] and similarly-situated workers. Pursuant to instructions from the Department of Defense Office for Diversity, Equity, and Inclusion, we forwarded the informal complaint to your attention on June 1, 2020.

Since that time, we have received no contact from the Department of Defense regarding the discrimination complaint. As more than 90 days have passed since the informal discrimination complaint was initiated, we hereby submit a formal class complaint of discrimination. *See* 29 C.F.R. §§ 1614.105, 1614.204(b).

[REDACTED] was a joint employee of the Department of Defense and Fluor Corporation. [REDACTED] was a civilian worker at Camp Dahlke, in Afghanistan. He was terminated from his Warehouseman position on [REDACTED].

When [REDACTED] was terminated, he was sent an email that stated:

We have received guidance from the Department of the Army Contracting Command that in response to the ongoing COVID-19 pandemic, individuals over age 65, including contractor employees, are no longer considered Fit for Duty pursuant to revisions to MOD 15 and will not be allowed to return to the Central Command (CENTCOM) Area of Responsibility (AOR) for the foreseeable future. ... Therefore, effective 19APR2020, in accordance with MOD15, you have been separated from the Project due to receiving a Not Fit For Duty status.

The referenced Department of Army guidance ("MOD 15") states, in section 15.C.1.B: "fitness now includes people being under the age of 65."

Of note, [REDACTED] was medically cleared as fit for duty in just weeks before the termination action.

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[REDACTED] alleges that the termination action was discriminatory based on his age and disability (regarded as unfit for duty). [REDACTED] intends to pursue discrimination complaints against the Department of Defense and against Fluor Corporation, as they served as his joint employers.

[REDACTED] formal discrimination complaint is filed on behalf of himself, and also on behalf of all other similarly-situated workers (in any branch, or joint employed by any employer) who were effected by the Department of Defense policy.

[REDACTED] current contact information is:

[REDACTED]

This complaint is being handled by the following attorneys at Kator, Parks, Weiser & Harris, PLLC:

Jeremy Wright  
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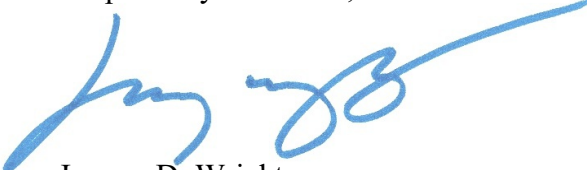
[REDACTED] seeks the following relief: modification of the Department of Defense fitness standard in order to eliminate the mandatory age 65 restriction; retroactive reinstatement to his former position with full back pay; payment of damages and losses in the full amount allowed by law; class certification, with appropriate relief provided to all class members; payment of attorney's fees and costs; and all other relief to which he may be entitled.

Pursuant to EEOC regulations, the Agency is required, **within 30 days of receipt of this formal class complaint**, to designate an Agency representative, and forward the class complaint and any other information related to the complaint to the EEOC Washington Field Office. *See* 29 C.F.R. § 1614.204(d)(1).

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If you need any additional information, please feel free to contact us. Thank you for your attention to this matter.

Respectfully submitted,



Jeremy D. Wright

cc: Patrick Anderson  
DoD Washington Headquarters Services  
*via e-mail only*

Candice L. Cook  
DoD Office for Diversity, Equity, and Inclusion  
*via e-mail only*

Cyrus Salazar  
DoD Office for Diversity, Equity, and Inclusion  
*via e-mail only*