

Request for Postponement and Enforcement of Procedural Equity – Case #1906302

To:

First Level Appeals Unit
Virginia Employment Commission
PO Box 26441
Richmond, VA 23261-6441
Fax: (804) 786-8402

From:

Thomas D. Coates
tdcoates@gmail.com

Date: March 31, 2025

Dear Appeals Examiner:

I write to formally assert that good cause exists—on multiple, independently sufficient grounds—for the immediate postponement of today’s scheduled hearing regarding Case #1906302.

This request is not only based on law, regulation, and Commission precedent, but more critically, on your documented failure to uphold the basic conditions of procedural due process, reasonable accommodation requirements, and consistent access to Commission systems.

I have submitted multiple documented requests and followed all instructions given to me—only to find myself consistently stonewalled, ignored, or provided with nonfunctional information. The Commission’s lack of response, access denial, and procedural inconsistencies have made meaningful participation impossible under the requirements of the law.

Enumerated Grounds for Postponement: Good Cause Findings Against the Commission

| # | Good Cause Reason | Applicable Law / Standard | How VEC Has Failed |
|---|---|---|---|
| 1 | Failure to Respond to Timely Records and Witness Requests | Due Process (U.S. Const.); VEC Procedures | You failed to respond to my requests for a list of hearing participants and to confirm if the employer received |

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| | | | the same instructions as I did. |
| 2 | ADA Accommodation Requests Ignored | ADA Title II; § 504 of Rehab Act | You received multiple written accommodation requests related to portal access and hearing format. You failed to acknowledge or act on any of them. |
| 3 | Technical Barriers Prevented Registration | § 60.2-612(5); Digital Access Requirements | Despite repeated attempts, I was unable to register online and did not receive confirmation. My support requests were ignored. |
| 4 | No Access to File or Opposing Party's Submissions | Due Process; § 60.2-619(D) | You required that I submit questions and materials 48 hours before the hearing. I complied. However, I received nothing in return. |
| 5 | Unclear or Inoperative Instructions | VEC Practice Manual; Reasonable Notice Doctrine | The vague "phone registration" system failed to work and did not confirm receipt of my phone number. |
| 6 | Delayed or Incomplete Communications | § 60.2-619(D); Case Law (Fisher v. VEC) | You failed to respond in a timely or complete fashion to my multiple written inquiries since March 24. |
| 7 | Diligence and Good Faith on My Part | § 60.2-619(D); Equitable Tolling Standards | My document log clearly shows I acted diligently and followed every instruction. It is you who failed to support. |
| 8 | Disability-Related Barriers Unaddressed | ADA Title II; EEOC Enforcement Guidance | I disclosed disability concerns and requested |

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| | | | accommodations. You failed to respond. |
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Chronology of Requests and Notices Ignored by the VEC

| Date | Submission Title | Recipient | Requested Action |
|------------|---|----------------------------------|--|
| 03/24/2025 | Request for All Hearing Participants | First Level Appeals | Asked for full list of hearing attendees and agency reps. |
| 03/25/2025 | Equal Access Verification Request | VEC Tech Support | Asked whether employer received identical instructions. |
| 03/26/2025 | ADA Technical Barrier Notice | appeals.records@vec.virginia.gov | Explained inability to register; requested accommodation. |
| 03/27/2025 | Formal Disclosure Request – Case #1906302 | VEC Appeals Clerk | Asked for all employer submissions & evidence. |
| 04/01/2025 | Final Emergency ADA Notification | VEC Appeals Examiner | Notified of technical lockout and unprocessed accommodation. |

By ignoring my repeated submissions, providing no access to the hearing system, and refusing to comply with your own expectations, the Virginia Employment Commission has created a Catch-22: I am being penalized for failing to complete steps that were made impossible by your own lack of support.

This letter and documentation constitute a formal request for postponement and/or good cause tolling. Should the hearing proceed despite this, it will constitute a documentable violation of ADA, Due Process, and the VEC's own rules.

Respectfully submitted,

Thomas D. Coates
tdcoates@gmail.com
(757) 374-3539
March 31, 2025

Thank you for the correction. Here is the updated **Certified Digital Signature Statement** reflecting today's date:

Certified Digital Signature

I, Thomas D. Coates, certify under penalty of perjury that the information provided in this document is true and correct to the best of my knowledge. This certified digital signature serves as my formal acknowledgment and verification in lieu of a physical signature.

Signed electronically on: March 31, 2025

By: Thomas D. Coates

Email: tdcoates@gmail.com

Phone: (757) 374-3539