

Thomas D. Coates

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Date: April 19, 2025

To:

Virginia Employment Commission – First Level Appeals Unit

P.O. Box 26441

Richmond, VA 23261-6441

CC:

Governor Glenn Youngkin

Office of the Governor

P.O. Box 1475

Richmond, VA 23218

Delegate Michael Feggans

Virginia House of Delegates – District 97

General Assembly Building

P.O. Box 406

Richmond, VA 23218

Inspector General Michael C. Westfall

Office of the State Inspector General

101 North 14th Street, 7th Floor

Richmond, VA 23219

**RE: Formal Notice of Procedural Failure,
Administrative Negligence & Legal
Noncompliance – VEC Case #1906302**

To Whom It May Concern:

This correspondence is a formal notice of severe procedural failure, statutory noncompliance, and administrative negligence in your handling of my unemployment case (#1906302) regarding wrongful termination from Cox Communications on January 2, 2025.

Following a detailed letter you issued that outlined the process I was required to follow, I completed every step to the letter—timely, clearly, and in full alignment with the instructions given. Yet your agency failed to comply or respond in the following areas:

ITEMIZED FAILURES:

1. **No Response to Witness and Hearing Participant Requests** (Submitted March 24, 2025)

Violation: Due Process Clause, 14th Amendment and Va. Code § 60.2-619(D)

2. **ADA Accommodation Requests Ignored** (Submitted March 25, 2025)

Violation: ADA Title II, 42 U.S.C. § 12131, and Section 504 of the Rehabilitation Act

3. **Technical Barriers to Registration Not Addressed**

Violation: Va. Code § 60.2-612(5); failure to provide digital access despite multiple attempts

4. **No Access to Employer's Submissions or File Before Hearing**

Violation: § 60.2-619(D); denied procedural fairness and rebuttal opportunity

5. **Unclear and Inoperative Instructions Provided**

Violation: Reasonable Notice Doctrine and APA § 2.2-4007

6. **Delayed or Withheld Communications**

Violation: Reflects gross neglect and failure to communicate with a timely response

WHAT THIS FAILS TO RECOGNIZE:

The Virginia Employment Commission is not merely an arbiter of benefits—it is a fiduciary participant in an evolving legal and regulatory conflict. The process failure here undermines federal ADA and FMLA claims that require documentation from this agency. Your silence and inaction now risk becoming discoverable evidence of administrative obstruction.

DEMAND FOR ACTION:

- Written acknowledgment of each of the six listed failures

- A new hearing date with appropriate ADA accommodations
- Full case file access, including employer submissions
- Clarification of registration and phone system breakdowns
- Confirmation of subpoena compliance and preservation of logs and communications

NOTICE OF ESCALATION:

If no response is received within **7 business days**, I will:

- Escalate this matter to the Governor, State Inspector General, and Delegate Feggans
- File formal complaints with the U.S. Department of Labor, EEOC, and OCR
- Initiate discovery in the ADA and FMLA wrongful termination case against Cox Communications
- Request federal review of VEC's failure to comply with ADA Title II and Rehabilitation Act standards

I respectfully request immediate confirmation of receipt and your formal response. **No stone will be left unturned.**

Sincerely,

Thomas D. Coates

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Digitally Signed - April 19, 2025