

UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

OFFICE OF THE CHAIR – WASHINGTON, DC

FORMAL APPEAL AND SUPERVISORY REVIEW REQUEST

Thomas D. Coates, Complainant

v.

Cox Communications, Inc., Respondent

EEOC Charge No.: 12K-2025-00001

DOJ ADA Complaint No.: 536785-LFD | DOL WHD Matter: [Insert if applicable]

FORMAL APPEAL AND OBJECTION TO DENIAL OF PROCEDURAL MOTION

To:

Charlotte A. Burrows, Chair
U.S. Equal Employment Opportunity Commission
Office of the Chair
131 M Street, NE
Washington, DC 20507
Email: info@eeoc.gov

CC: District Director, EEOC Norfolk Area Office; Alexander Perez, Investigator, EEOC Norfolk Area Office;
public.affairs@eeoc.gov; [Other oversight agencies as previously served]

Dear Chair Burrows,

I am writing to **formally forward and request your direct supervisory review** of the attached “Formal Appeal and Objection to Denial of Procedural Motion” regarding EEOC Charge No. 12K-2025-00001. This correspondence addresses significant procedural violations and unresolved deficiencies in the handling of my case by the Norfolk Area Office, including but not limited to:

- The denial of my request to toll the rebuttal deadline pending cure of clear procedural and evidentiary deficiencies in the Respondent’s position statement;
- The improper closure and attempted consolidation of separate inquiries in violation of EEOC regulations and my explicit written instructions;
- The failure to maintain a complete and accurate record of my submissions and correspondence, as required by 42 U.S.C. § 2000e-5(b) and 29 C.F.R. § 1601.15(c).

These actions have prejudiced my rights as a charging party and jeopardize the integrity of the EEOC’s investigative process.

Accordingly, I respectfully request:

1. Immediate supervisory review and docket entry of my formal appeal and objection;
2. That the EEOC Chair's office ensure all procedural and evidentiary standards are enforced, and that my case is handled in strict compliance with federal law and Commission regulations;
3. That all prior and forthcoming correspondence, including this appeal, be entered into the official record and transmitted to all relevant oversight agencies for independent review;
4. Written confirmation that this matter is being addressed at the highest level and that corrective action will be taken.

Please see the full motion below for complete details. I request your prompt written response and confirmation of receipt.

Thank you for your attention to this urgent matter.

Respectfully Submitted,

/s/ Thomas D. Coates

Thomas D. Coates

tdcoates@gmail.com | (757) 374-3539

Dated: May 15, 2025

Notice: This appeal is intended to satisfy the recordkeeping, disclosure, and transmission requirements of all referenced agencies and courts. All parties are requested to preserve, review, and incorporate this record in accordance with applicable law.

UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NORFOLK AREA OFFICE – MID-ATLANTIC REGION

IN THE MATTER OF:

Thomas D. Coates, Complainant

v.

Cox Communications, Inc., Respondent

EEOC Charge No.: 12K-2025-00001

DOJ ADA Complaint No.: 536785-LFD | DOL WHD Matter: [Insert if applicable]

DEMAND FOR PROCEDURALLY PROPER POSITION STATEMENT

(Request for Cure of Deficiencies and Memorialization of Procedural Objections)

I. DEMAND FOR FORMAL EEOC RESPONSE, CROSS-AGENCY NOTIFICATION, AND PROCEDURAL ENFORCEMENT

To: Alexander Perez, Investigator, Norfolk Area Office; Chief, U.S. Equal Employment Opportunity Commission, Washington, D.C.

Pursuant to the EEOC's statutory mandate under 42 U.S.C. § 2000e-5(b), 29 C.F.R. § 1601.15(c), § 1601.18, and the Commission's Quality Control and Best Practices Guidelines, the EEOC is required to ensure that all employer position statements are procedurally sound, fully documented, and supported by sworn or certified evidence before being accepted as part of the administrative record. The EEOC must not accept, rely upon, or transmit for review any position statement that lacks proper authorship, fails to attach referenced documentation, omits sworn affidavits, or otherwise fails to comply with the Commission's evidentiary and procedural standards. The Commission is further required to formally notify the Respondent of any deficiencies and to demand prompt correction prior to further processing of the charge.

This demand and all related correspondence are to be memorialized in the official charge file and transmitted to all relevant federal and state oversight agencies for coordinated review and enforcement, including but not limited to:

- U.S. Department of Justice (DOJ) – Civil Rights Division
- U.S. Department of Labor (DOL) – Wage and Hour Division
- Internal Revenue Service (IRS)
- Social Security Administration (SSA)
- Virginia Equal Opportunity Commission (VEOC)
- Virginia Office of the State Inspector General
- Office of the Governor of Virginia
- Any other federal or state agency with statutory interest in the matters described herein

I hereby demand that the EEOC formally respond to this request in writing, memorialize this demand in the official charge file, and immediately communicate to Cox Communications the requirement to cure all procedural and substantive deficiencies in its position statement, as detailed herein. The integrity of this administrative proceeding-and the statutory rights of the charging party-depend on strict adherence to these requirements and full cross-agency notification.

II. PROCEDURAL AND SUBSTANTIVE DEFICIENCIES

The document submitted by Cox Communications as its position statement is procedurally and substantively deficient for the following reasons:

- **Lack of Author Certification:** The statement is unsigned, lacks an identified author, and is not certified by any responsible officer or attorney as required by EEOC practice and 29 C.F.R. § 1601.18(c).
- **Absence of Affidavit or Sworn Testimony:** No sworn affidavits or declarations are attached from any manager, HR official, or witness to support factual assertions, as required for credibility and admissibility.
- **Failure to Attach Referenced Documents:** The statement references internal policies, records, and communications but fails to produce or attach them, in violation of 29 C.F.R. § 1601.15(c).
- **Improper Use of Footnotes to Disclaim Investigation:** Footnotes on pages 1 and 2 appear to disclaim any formal investigation or disclosure, undermining the integrity of the submission and suggesting a lack of good faith cooperation with the EEOC.
- **Vague and Non-Specific Assertions:** The statement relies on generalizations and policy summaries rather than specific dates, names, or events, preventing meaningful review or rebuttal.

- **Failure to Provide Statutorily Required Details:** The statement omits required details such as dates of alleged performance issues, names of decision-makers, and the specific basis for each adverse action, in violation of EEOC evidentiary standards.
- **Improper Reliance on Verbal Claims:** The statement references verbal conversations and supervisor impressions without documentation, which is inadmissible under EEOC and federal evidentiary rules.
- **No Statement of Internal Investigation:** There is no evidence of an internal investigation, no interview notes, and no summary of findings, contrary to EEOC best practices.
- **Improper Blanket Confidentiality Claims:** The statement makes broad assertions of confidentiality without justification or separate redacted exhibits, contrary to EEOC guidance.
- **Failure to Certify Completeness and Accuracy:** The submission is not certified as complete and accurate under penalty of perjury or professional responsibility.

III. RELIEF AND CORRECTIVE ACTIONS REQUESTED

The Complainant respectfully demands that the EEOC:

- Reject the current position statement as procedurally deficient and not in compliance with EEOC requirements for a valid employer response;
- Formally notify Cox Communications that the current submission will not be considered a valid position statement until the following are provided:
 - A signed and certified statement of authorship and accuracy by the responsible attorney or officer;
 - Sworn affidavits or declarations from all managers, HR officials, and witnesses relied upon for factual assertions;
 - Full production of all referenced documents, policies, records, and communications in the form required by 29 C.F.R. § 1601.15(c);
 - Specific dates, names, and statutory bases for all claims, defenses, and adverse actions referenced in the statement;
 - Clarification and removal of any improper disclaimers or footnotes that suggest a lack of formal investigation or cooperation with the EEOC.
- Memorialize this demand and the deficiencies identified herein in the official record for EEOC Charge No. 12K-2025-00001;
- Require Cox Communications to cure all deficiencies within ten (10) business days or risk having its position statement excluded from consideration and referred for further enforcement action.

IV. SERVICE CERTIFICATION

I certify that this demand has been served via EEOC Portal and electronic mail to:

- Alexander Perez, Investigator, U.S. EEOC – Norfolk Area Office
- Chief, U.S. Equal Employment Opportunity Commission, Washington, D.C.
- Virginia Equal Opportunity Commission (VEOC)
- DOJ Civil Rights Division
- DOL Wage and Hour Division
- IRS
- SSA
- Virginia Office of the State Inspector General
- Office of the Governor of Virginia

- Other designated agency officials as required by protocol

Dated: May 15, 2025

V. CONCLUSION

The integrity of this administrative proceeding depends on strict adherence to EEOC procedures and evidentiary standards. The current Cox Communications position statement fails to meet these requirements and must be cured before it can be considered. The Complainant respectfully demands that the EEOC take immediate corrective action as outlined above and provide a written response memorializing its actions.

Respectfully Submitted,

/s/ Thomas D. Coates

Thomas D. Coates

tdcoates@gmail.com | (757) 374-3539

Dated: May 15, 2025

Notice: This demand is intended to satisfy the recordkeeping, disclosure, and transmission requirements of all referenced agencies and courts. All parties are requested to preserve, review, and incorporate this record in accordance with applicable law.

ATTACHMENT: SERVICE VERIFICATION AND NOTICE OF SECONDARY ROUTING

CERTIFICATE OF SERVICE AND AGENCY NOTIFICATION

I, Thomas D. Coates, do hereby certify under penalty of perjury that on this date, a true and correct copy of the foregoing Motion No. 1: Memorialization and Request for Admission of Material Statement was served upon the following parties and agencies:

- Via EEOC Portal and Email: Sent to Investigator Alexander Perez, U.S. Equal Employment Opportunity Commission (EEOC) – Norfolk Area Office, 200 Granby Street, Suite 739, Norfolk, VA 23510. Main Office: 1-800-669-4000. Fax: 757-441-6720.
- Via Internal Routing: Delivered electronically to designated EEOC records and relevant internal units for acknowledgment and audit purposes.

Additional Copies Furnished To:

- The Office of the Governor of Virginia, for review under constitutional and public oversight of civil rights compliance in state employment practices.
- U.S. Department of Labor – Wage and Hour Division, to alert of potential overlap with FMLA, wage protections, and ADA enforcement jurisdiction.
- U.S. Department of Justice – Civil Rights Division, in the event federal investigatory jurisdiction is triggered under 42 U.S.C. § 12188.

These secondary deliveries are executed in the interest of:

- Ensuring receipt through alternative routing channels within the EEOC and oversight agencies;
- Preserving a full record of communications to relevant oversight bodies with statutory authority over disability rights enforcement;
- Notifying supervisory and executive authorities of potential delays or non-compliance with ADA-mandated processes.

Executed this 15th day of May, 2025

Virginia Beach, VA

Respectfully Submitted,

/s/ Thomas D. Coates

Thomas D. Coates

tdcoates@gmail.com

