

Letter 1: Legal Grounds for Independent Charge Processing

Re: Coates v. Cox Communications – EEOC Charge No. 12K-2025-00001

(Also referencing EEOC Inquiry No. 437-2025-01209 – Submitted April 2, 2025)

To:

Mr. Alexander Perez, Senior Federal Investigator

U.S. Equal Employment Opportunity Commission – Norfolk Area Office

Dear Mr. Perez,

This letter reiterates and strengthens the legal basis for processing the two EEOC actions independently. As outlined in my Cross-Agency Coordination Letter dated April 14, 2025, this matter implicates overlapping jurisdictional duties across multiple federal statutes and agency oversight channels. I respectfully submit the following five independent legal grounds-supported by citation and case-specific evidence-that require separate, individualized handling of these charges:

1. Enforcement of Statutory Protections Requires Case Separation

The original charge (12K-2025-00001) centers on ADA violations and pretextual termination, while Inquiry No. 437-2025-01209 documents subsequent acts of retaliation, obstruction, and interference with federally protected activity.

Statutes:

- ADA Title I – 42 U.S.C. §§ 12112, 12203
- Retaliation doctrine under EEOC Compliance Manual (Section 8)
- ERISA & FMLA protections – 29 U.S.C. § 1132; 29 CFR § 825.220
Each statute carries different burdens, remedies, and legal tests, requiring the EEOC to investigate and adjudicate them separately to avoid procedural error or denial of rights.

2. EEOC Must Guarantee Independent Due Process per 29 CFR §1601.15(a)

The allegations tied to post-termination retaliation (Inquiry No. 437-2025-01209) involve events, actors, and evidence not present in the original ADA charge. These include:

- Suppression of digital records
- Misreporting of wages during disability
- Interference with protected filings across EEOC, DOL, and DOJ
Each charge represents a discrete violation with its own evidentiary burden. Combining them would violate the EEOC's duty to provide procedural due process under 29 CFR §1601.15(a)-(b).

3. Focused Investigations Are Required Under 29 CFR §1601.15(c)

The April 14 letter already placed the EEOC and outside counsel on notice of at least eight categories of misconduct spanning from July 2023 to Spring 2025, including ADA interference, record tampering, and coordinated

post-termination retaliation.

These facts must be investigated under:

- Separate factual timelines
- Distinct investigative files
- Independent witness interviews and document review
Merging these charges risks muddling key timelines, prejudicing the record, and introducing a false narrative of continuity that erases post-filing retaliation.

4. Remedies Must Match Harms Under 42 U.S.C. § 1981a(b)(3)

The first charge demands relief for:

- Failure to accommodate
- Constructive discharge
- ADA retaliation
The second demands relief for:

- Post-filing reprisal
- Obstruction of agency access
- Tampering with leave and payroll systems

Each set of violations carries distinct remedy thresholds, damages caps, and legal implications. Under 42 U.S.C. § 1981a(b)(3), remedies must be proportionate to the violation-this cannot be satisfied if the harms are collapsed into a single generalized case.

5. Maintaining Public Trust and Statutory Integrity

In the Cross-Agency Letter, I noted overlapping jurisdiction across:

- DOJ (ADA Enforcement)
- DOL (WHD + FMLA)
- SEC and IRS (Wage Suppression & Disclosure Retaliation)
Each agency is relying on clean investigatory lines and charge-specific outcomes to proceed. Combining these EEOC charges would disrupt downstream enforcement, diminish public trust, and risk non-compliance with federal coordination expectations outlined in Executive Order 13160 and the EEOC's own MOU frameworks.

Request for Immediate Action

In light of these points and the notice already on file, I respectfully request that:

1. Inquiry No. 437-2025-01209 be converted into a formal charge and investigated separately.
2. The EEOC affirm in writing that each charge will be tracked, investigated, and resolved independently.

3. All agencies referenced in the April 14 Coordination Letter be informed of this procedural alignment.

Respectfully submitted,
Thomas D. Coates
tdcoates@gmail.com | (757) 374-3539

Letter 2: Addendum-Legal Grounds Requiring Independent EEOC Charge Processing

Re: Coates v. Cox Communications - Inquiry No. 437-2025-01209
(Referencing Cross-Agency Coordination Letter dated April 14, 2025)

To:
Mr. Alexander Perez, Senior Federal Investigator
U.S. Equal Employment Opportunity Commission – Norfolk Area Office

Dear Mr. Perez,

This addendum supplements my pre-position notice and reiterates that each EEOC action-including the April 2, 2025 submission (Inquiry No. 437-2025-01209)-must be treated as a separate charge with full statutory standing. As previously detailed in the Cross-Agency Coordination Letter dated April 14, 2025, the legal and procedural landscape of this matter spans multiple statutes and enforcement agencies. Below are five controlling grounds that compel the EEOC to act accordingly:

1. Distinct Statutory Violations Demand Separate Investigations

Each charge invokes separate legal frameworks:

- 12K-2025-00001: ADA retaliation and termination
 - 437-2025-01209: Post-filing retaliation, document suppression, obstruction of protected activity
Citations:
 - ADA Title I – 42 U.S.C. §§ 12112, 12203
 - EEOC Enforcement Guidance on Retaliation (2016)
 - ERISA – 29 U.S.C. § 1132
 - FMLA – 29 CFR § 825.220
- The EEOC's jurisdictional mandate under 42 U.S.C. § 2000e-5(b) prohibits the conflation of legally distinct charges arising under separate statutory causes of action.

2. Procedural Due Process Under 29 CFR §1601.15(a) Requires Charge Separation

The two charges involve different conduct, timeframes, and responsible parties. Combining them would violate my right to individualized review. Each charge must be processed with its own notification, investigation, and potential remedy to satisfy procedural fairness under federal law.

3. Targeted Fact-Finding Is Required to Prevent Record Contamination

The April 2 inquiry details post-termination retaliation, including interference with agency filings and payroll

irregularities. This timeline postdates the original ADA complaint. Witnesses and evidence differ substantially.

Citation: 29 CFR §1601.15(c) - Requirement for fact-specific, individualized investigations

Merging the charges could lead to evidentiary confusion and procedural prejudice.

4. Remedies Must Be Statutorily Proportional Under 42 U.S.C. § 1981a(b)(3)

The first charge concerns termination and failure to accommodate. The second involves retaliation after protected filings. Each carries a different compensatory structure. The EEOC cannot legally craft a remedy that blends distinct harms without undermining federal recovery standards.

5. Public Integrity and Cross-Agency Enforcement Depend on Separation

As outlined in the April 14 coordination letter, multiple federal and state agencies are tracking this matter. Treating charges separately ensures consistent enforcement and avoids disruption to:

- DOJ Civil Rights enforcement
- DOL WHD action
- SEC retaliation monitoring
- IRS/SSA wage investigations
Supporting Guidance:
- EEOC Coordination Manual, Chap. 1: Interagency Referrals
- Executive Order 13160 (Coordination of Federal Civil Rights Enforcement)
If charges are improperly merged, downstream agencies will receive compromised records, undermining the integrity of interagency enforcement.

Request for Procedural Clarification

I respectfully request:

1. That Inquiry No. 437-2025-01209 be converted into a formal charge and assigned a separate number.
2. Written confirmation that the EEOC is processing these charges as independent matters, each entitled to its own investigation, file, and potential resolution.

Thank you for your attention to this procedural and statutory requirement.

Respectfully,

Thomas D. Coates

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

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