

EEOC

Ridge Park Place

1130 22nd Street South, Suite 2000

Birmingham, Al. 35205

February 21, 2022

Dear Mr. Anderson.

This letter is written in your response dated February 15th of this year. I did not request reconsideration of the Dismissal. That is an incorrect statement.

The purpose of this document is to review what has happened and more importantly, what did not happen involving you and the EEOC. Under the Civil Rights Act discrimination is the unfair treatment or unequal treatment of anyone based on certain characteristics including age. That was the basis of my complaint which has been denied. That is your call to make. What follows is a formal complaint as to what was done and not done. You have created a narrative of unflinching belief in the Depot narrative and willfully chosen to decline to investigate anything that does not fit that narrative.

You continue to spout the falsehood that I was not the most qualified person and that was why I did not receive the position. The person that was selected is not the one I competed against. She was selected Head Cashier before I applied for a subsequent position that was later made available. She will be glad to confirm this as she has with me on several occasions. Since this does not fit the narrative, it was ignored. Amber was selected Head Cashier before I applied. I supported her in this endeavor. You need only ask her.

The attached document is not contained in the portal used. All the remaining documents are there why is this one document deleted? You indicate it has been moved to another portal? I have asked to see it and that request has been ignored.

The second position was not filled after I applied. The position was not filled because I was the most qualified and it is discrimination of age that they then

withdrew it. That constitutes unfair and unequal treatment. It is very consistent with my claim of age discrimination. Like you, the company has scrubbed the record of this second position. Nothing notable nor inconsistent about that to anyone other than you apparently.

I would also request formally that you read the document previously provided and stay in context. You are taking statements written there out of context and twisting them fit the narrative. It is also a red herring to write that these taken out of context had anything to do with me not getting the second position proffered. Amber had already been promoted so there was no competition between us for the same position. Therefore, these claims by Depot could have no impact in the outcome unless they had another more qualified candidate for the second position which they apparently do not. The same person cannot be promoted twice to the same position, can they?

The position I applied for was withdrawn after I applied. That in and of itself may not be age discrimination but in the absence of any other reason the result is I was denied my equal opportunity for that position based exclusively on age.

You write that by hiring me at age 67 the presumption is age discrimination subsequent is unlikely and not present. That is faulty reasoning and a composition fallacy. You then write that "...Evidence did not reveal anyone outside your protected class who had similar performance issues who was selected for this...."? I have no clue what you intend here.

First, I deny performance issues whatever that mean. You are attacking my competency and character ad hominem. Let this be your official notice I will not stand for that. I have explained each and every incident and their proper context in the attached. Were you there? Did you witness? Have you verified any of these innuendos? No. Do they fit the narrative you have developed? Yes.

Second, no one else in my class applied for the position much less been selected. Are you saying that if discrimination occurred to another that as long as it is consistent it can not be unfair and unequal? Did you really write that? Are you serious?

Depot has backfilled and covered up the record and you have been a willing participant. Evidence states there were two jobs and I applied for the second one only. Evidence states that I have been a superb employee with numerous awards and commendations. Evidence states that Amber has told me repeatedly we did not

compete for the same job. Was she ever contacted? No. Evidence states that Sullins changed what was said by him to me. Evidence states a note in file was placed there to downgrade my score on their system to reduce the likelihood of me being offered the second position. Evidence states that this document is not consistent in form or structure with prescribed policies promulgated by Depot in such manners. Evidence states that you did not investigate much less even question anything Depot wrote and scrubbed the one file that made an investigation necessary. As documented, that was scrubbed from the portal. Evidence states that Depot has misrepresented the facts and lied to you to cover up their wrongful discrimination based solely on age. Evidence states that your organization has failed to properly reasonably and prudently perform the functions required in this case for whatever reasons. May I remind you you work for me not Home Depot?

I just did. I hope this clarifies your errors and fuzzy thinking.

Sincerely,

Charles Ford