

**UNITED STATES EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION  
BALTIMORE FIELD OFFICE**

<b>WILLIAM H. TSCHAPPAT, ET. AL,</b>	)	
	)	<b>EEOC Case No.: 531-2018-00316</b>
<i>Class Agent,</i>	)	
	)	<b>Agency No.: 98-05-115</b>
v.	)	<b>Enechi A. Modu</b>
	)	<b>Administrative Judge</b>
<b>R. ALEXANDER ACOSTA, SECRETARY,</b>	)	
<b>U. S. DEPARTMENT OF LABOR.</b>	)	
	)	
<i>Respondent.</i>	)	

**NOTICE OF CLASS AGENT APPEARANCE**

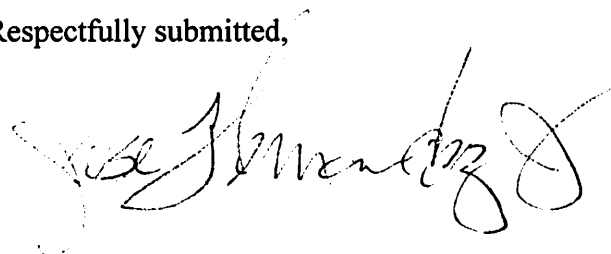
PLEASE take notice that I, Jose Hernandez, Jr., appear as an additional class agent in this matter. I have been advised by class counsel that additional class agents must appear in this certified class action to protect the class certification. My current address is:

████████████████████

Lubbock, Texas 79416

In addition, I sought promotion to GS-0018-13 positions at OSHA as early as May 2014 and I am still employed by OSHA; I also sought promotion to GS-0018-14 positions at OSHA as early as July 2018 and I am still employed by OSHA. I recall and believe I was passed over for in favor of applicants who were under 45 and less qualified than me.

Respectfully submitted,



**CERTIFICATE OF SERVICE**

I have sent a copy of this Notice electronically to the attorneys in this matter and request that the DOL Counsel file this with FEDSEP.

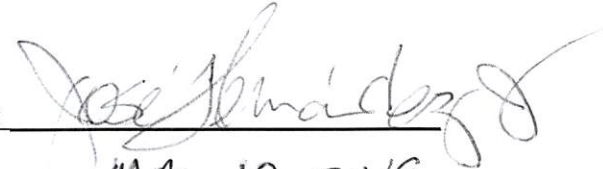
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X:   
Date: MAY 10, 2019

**From:** Joe Hernández, Jr. <joejr79045@att.net>  
**To:** Jamie Kay <armygirlm@aol.com>  
**Subject:** Fwd: Tschappat, et al. v. DOL/OSHA- Potential class agents  
**Date:** Fri, May 10, 2019 8:33 am

Begin forwarded message:

**From:** Madlyn Lahoud <[FirmAdmin@ekrtlaw.com](mailto:FirmAdmin@ekrtlaw.com)>  
**Date:** April 17, 2019 at 10:00:45 AM CDT  
**To:** Bruce Elfvin <[bruce@ekrtlaw.com](mailto:bruce@ekrtlaw.com)>  
**Cc:** "joejr79045@att.net" <[joejr79045@att.net](mailto:joejr79045@att.net)>  
**Subject:** Tschappat, et al. v. DOL/OSHA- Potential class agents

Dear Class Member,

We have been analyzing the data from the DOL and this shows that you applied for promotion from a GS-12 to a GS-13 position and were over 45 and the person selected was under 45. We are at a point where persons in this group need to come forward as Class Agents or the Judge may dismiss the class as to this Grade Level. The DOL is also complaining that there is no Class Agent to cover the GS-14 promotions after 2009. The time to step up and step in is now. I am happy to talk to any potential class agents, but time will be very important now.

Here is what we found so far:

Name	DOB	Status	Ann No.	Date of App	Age at App	Selected	DOB	Age at Selec	EOD
Hernandez, Jose	[REDACTED]		MS-14-CHI-OSHA-0090	05/07/2014	49Y_5M_12D	Lambert, Richard	[REDACTED]	32Y_5M_24D	06/29/2014
Hernandez, Jose	[REDACTED]		MS-18-CHI-OSHA-0024	02/14/2018	53Y_2M_20D	Martin, Maryanne	[REDACTED]	38Y_11M_11D	4/1/2018
Hernandez, Jose	[REDACTED]		MS-15-DAL-OSHA-219	07/21/2015	50Y_7M_26D	Olaechea, John	[REDACTED]	44Y_6M_29D	9/6/2015

Best,

Bruce Elfvin

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