

**EEOC EMOTIONAL DISTRESS AWARDS
FROM \$25,000 TO \$95,000**

Updated June 28, 2019

**This is a research file with cases from a variety of sources.
Please read the cases before citing.**

The cases discussed below have not been updated to the present-day value in accordance with **Lara G. v Postmaster General**, EEOC Req. No. 0520130618, (June 9, 2017). The present-day value of the awards can be calculated using the inflation calculator of the Inflation Calculator on the website of the U.S. Bureau of Labor Statistics at the U.S. Department of Labor. *Id.* p. 2.

Cher B. v. Dep't of Veterans Affairs, EEOC Appeal No. 0120140445 (Jan. 9, 2017)(Commission Affirmed AJ's emotional distress award of **\$95,000**). The AJ awarded Complainant \$95,000 for emotional distress damages after finding the Agency discriminated against Complainant in reprisal for prior EEO activity but not on the basis of race. On appeal, the Commission initially found that substantial evidence in the record supported the AJ's finding that Complainant failed to prove her claim of racial harassment. The Commission also affirmed the AJ's award of damages. The AJ indicated that Complainant experienced embarrassment, stress, loss of professional standing, one panic attack, and the exacerbation of her lupus symptoms for approximately 18 months. The Commission found that Complainant failed to present sufficient evidence to support a higher award to compensate her for the loss of her home, and the dissolution of her marriage.

Gamez v. Social Security Administration, EEOC Appeal No. 07A20129 (October 27, 2003), request for reconsideration denied, EEOC Request No. 05A40247 (January 5, 2004)(**\$90,000** award for emotional distress). Complainant suffered emotional distress; her relationship with her husband deteriorated; she became withdrawn and suffered lowered self-esteem. Complainant's physician testified that her symptoms were mild prior to her arrival at the agency, and that she had never suffered a pattern of illness prior to her arrival at the agency. Her physician stated that he had been frustrated by the agency's failure to accommodate the complainant's condition, and that if it had complied with his recommendations to do so, complainant's symptoms would have improved. As to the duration of the harm, the physician noted that the symptoms were most severe for a 1-2 year period in 1997-98, but that they were ongoing, and continued into the year 2001.

Pendleton v. U.S. Postal Serv., EEOC Appeal No. 0720090054 (September 21, 2011)(**\$80,000** award for emotional distress). Complainant became physically ill and suffered severe emotional distress as a result of the discrimination. She experienced various symptoms, including headaches, difficulty eating, nightmares, difficulty sleeping, the loss of enjoyment of life, sadness, and feelings of helplessness. She sought medical treatment as a result of her physical and psychological symptoms. Complainant's psychologist testified that she diagnosed Complainant with major depression and prescribed medication for Complainant.

Gertrude L. Buckner v. Department of Veterans Affairs, EEOC Appeal No. 0720070052 (January 3, 2008). (**\$80,000.00** awarded for emotional distress damages). Complainant was denied a reasonable accommodation. Complainant made repeated requests to two managers for assistance with duties that were outside of her medical restrictions, but the requests were either ignored or met with hostility. Complainant's back condition was exacerbated due to the discrimination, and she sought treatment from a physician.

Kevin Bostick v. Department of the Army, EEOC Appeal No. 0120093611 (March 5, 2010). (**\$76,000** awarded for emotional distress damages). Complainant, his friends, his psychologist, and a "Behavioral Sciences Team" provided statements indicating that complainant exhibited symptoms of Post Traumatic Stress Disorder following the discrimination. Complainant became depressed, suffered a loss of self-esteem, and experienced a variety of physical symptoms, including headaches, nausea and insomnia. In addition, the Commission found that complainant was entitled to an award of \$2,250 in pecuniary damages for proven out-of-pocket treatment expenses.

Enriqueta T. v. Dep't of Veterans Affairs, EEOC Appeal No. 0120160638 (May 31, 2018). (Emotional Distress damages award increased from \$25,000 to **\$75,000**). The Agency found that Complainant was subjected to sexual harassment and subsequently awarded her \$25,000 in emotional distress compensatory damages. The Commission increased the award to \$75,000 on appeal, finding that amount was reasonable based upon the proven emotional and psychological distress Complainant suffered as a direct result of the Agency's discriminatory conduct. Complainant stated that she was humiliated, isolated, depressed, irritable, and hopeless. She had difficulty sleeping, withdrew from others and her normal activities, lacked energy, and experienced headaches. Complainant indicated that her condition lasted at least two years and provided statements from her father and a friend to support her claim. Complainant also provided progress notes from five psychotherapy visits.

Sherill S. v. Dep't of the Air Force, EEOC Appeal No. 0120160115 (Apr. 5, 2017). (Emotional distress Damages Increased to **\$75,000**). In its prior decision, the Commission determined that the hostile work environment in Complainant's workplace was so severe as to support a claim for constructive discharge, and directed the Agency to conduct a supplemental investigation of Complainant's entitlement to compensatory damages. After an investigation, the Agency determined Complainant was entitled to an award of \$10,000 in emotional distress damages. Complainant stated that she was subjected to a pattern of harassment because of her pregnancy for more than eleven months, which caused her to suffer significant emotional distress, ongoing digestive problems, headaches, difficulties with pregnancy, and overall stress and concern for her job. Considering the nature, severity, and duration of Complainant's suffering, the Commission found the award of damages should be increased to \$75,000.

Ileana H. v. Dep't of Justice, EEOC Appeal No. 0720170016 (Apr. 21, 2017). (Commission Affirmed AJ's Award of **\$75,000** in Emotional distress Damages). The Agency accepted an AJ's finding that it retaliated against Complainant, but appealed the AJ's award of \$75,000 in emotional distress compensatory damages. The Commission affirmed the AJ's award of damages on appeal. Complainant provided sufficient evidence of fear for her and her family's economic security through loss of employment, mental anguish, stomach disorders, emotional distress, and stress because of the Agency's retaliatory conduct. The Commission

found that the AJ's award considered the severity of the harm suffered and was consistent with prior Commission precedent.

Ricardo K. v. Dep't of Justice, EEOC Appeal No. 0720170030 (Oct. 12, 2017)(Commission affirmed AJ's award of **\$75,000** for emotional distress damages but modified interest on award). After finding that the Agency subjected Complainant to a hostile work environment based on his disability, the AJ awarded Complainant \$75,000 in emotional distress compensatory damages with interest. The Commission affirmed the AJ's award of \$75,000. Complainant, without contradiction by the Agency, testified that during the 10-day period he was harassed, he was shunned by some managers, and he continued to suffer from the effects of the harassment, including emotional distress, anxiety, PTSD, depression, humiliation, and embarrassment. Complainant also testified that he took sick leave to alleviate the pressure he was under, avoided social events, and at the time of the hearing, which was 3 years after the harassment, he still was struggling with the trauma. The Commission modified the AJ's award of interest, noting that interest is only available to compensate a complainant for a delay beyond the time an award of damages is due. Therefore, the Agency was not liable for interest unless it delayed payment of the award of damages beyond the time frame specified in the Commission's order.

Adah T. v. Dep't of the Interior, EEOC Appeal No. 0120131110 (September 18, 2015)(Commission increased FAD damages award from \$25,000 to **\$75,000**). The Agency subjected Complainant to racial harassment. Complainant suffered depression, anxiety, sleep issues and pain as a result of the harassment. In addition, Complainant was treated by a psychologist and psychiatrist for depression and anxiety due to workplace harassment for a period of five years.

Mana v. Dep't of Justice, EEOC Appeal No. 0120120012 (July 15, 2015). Commission (Affirmed AJ's award of **\$75,000** in damages). The Agency subjected Complainant to a hostile work environment on the basis of sex. Complainant had panic attacks, anxiety, and difficulty sleeping, and immediately sought medical help after incidents with her supervisor. She was treated for anxiety, depression and periods of disassociation. Complainant's doctor indicated that her symptoms were similar to post-traumatic stress syndrome, and treated her with psychotherapy and medication. The Commission noted that while Complainant's treating physician opined that the sexual harassment was the primary factor for Complainant's medical condition, the record showed that other events also caused the harm she experienced.

Diaz v. Dep't of Justice, EEOC Appeal No. 0120101054 (July 18, 2012)(Increasing FAD emotional distress award from \$25,000 to **\$75,000**). Complainant was subjected to hostile work environment harassment, consisting of unwelcome conduct of a sexual and non-sexual nature, for approximately one year. Complainant found her workplace treatment to be "totally debilitating," and felt ashamed and humiliated. Complainant had an extreme fear of the harasser, and stated that she took actions at work to "avoid him at all costs." Complainant changed the way she presented herself, regularly cried on her way home, and became distant and fearful to the point that it created a strain on her personal relationships. Complainant further indicated that she continued to experience the residual effects of the harassment long after it ended, including being uncomfortable around male employees. Complainant's husband described the effect of the harassment on Complainant as "devastating," stating that it affected

her relationship with her family. He noted that Complainant cried on a daily basis, became very depressed, stopped socializing, and had difficulty sleeping. Complainant's co-workers also testified as to the stress the harassment caused for Complainant. The Commission noted that, despite the lack of medical documentation, the record contained detailed testimony from Complainant and corroborating testimony from her husband and co-workers. In addition, Complainant continued to experience lingering symptoms after 2006.

Antonio A. Regist v. Department of Veterans Affairs, EEOC Appeal No. 0120093445 (February 4, 2010)(\$75,000 awarded for emotional distress damages). Complainant, a Chaplain trainee, was subjected to harassment. Complainant testified that the treatment he received was devastating and humiliating, and that he was publicly embarrassed. He was not allowed to interact with veterans, was isolated, and felt unwanted. Complainant stated that he could not sleep, got high blood pressure, and sought treatment from a psychiatrist. Complainant became tearful and nearly lost his composure while testifying regarding the daily humiliation. Complainant stated that after he was ordered to remove his Anglican collar during a staff meeting his colleagues viewed him differently. The Commission noted that complainant was subjected to months of humiliation, and that his professional reputation was damaged as a result of the harassment.

Jason C. Siu v. Department of Justice, EEOC Appeal No. 0720070040 (April 28, 2009)(\$75,000.00 awarded for emotional distress damages). Complainant was subjected to disability discrimination when he was advised he could not work unless he was medically cleared to perform all of his duties. Complainant and his wife testified that he experienced stress, anxiety, feelings of isolation and irritability, and panic about financial difficulties. In addition, complainant had difficulty sleeping, and experienced negative effects to his relationship with his wife, children and friends. Although complainant did not provide medical evidence of his mental anguish and distress, the Commission found that he provided a sound and credible explanation for his decision not to seek the assistance of a mental health professional.

Chong Soon Kim v. Department of Agriculture, EEOC Appeal No. 0720070048 (January 3, 2008)(\$75,000.00 awarded in emotional distress damages). Complainant's position was not reclassified under the peer-based position classification system, resulting in his not being promoted. Complainant suffered from sleeplessness, humiliation, and social withdrawal which lasted approximately one and one-half years. Testimony from complainant's daughter corroborated his claim.

Miles v. USPS, EEOC Appeal No. 07A30019 (February 27, 2004) Complainant diagnosed with exacerbation of major depression, post-traumatic stress disorder, and adjustment disorder, was awarded \$75,000 in emotional distress compensatory damages after sexual harassment resulted in Complainant working in fear and feeling anger, depression, and distance from her husband.

Commission Increased Agency's Award of Emotional distress Damages to \$70,000. After finding it violated the Rehabilitation Act when it excessively delayed Complainant's request for reasonable accommodation, the Agency awarded Complainant \$25,000 in emotional distress compensatory damages. The Commission increased the award to \$70,000 on appeal. Affidavits and documents

in the record showed that Complainant experienced an exacerbation of her medical condition due to the two-year delay in providing her with reasonable accommodation. In addition, Complainant became depressed, suffered emotionally, and experienced physical changes because of the discrimination. The Commission agreed with the Agency that Complainant failed to support her claim for past or future pecuniary damages. [Mardell B. v. Soc. Sec. Admin., EEOC Appeal No. 0120172035 \(Oct. 31, 2017\)](#).

Crear v. Department of Veterans Affairs, EEOC Appeal No. 07A50079 (January 26, 2006) Complainant awarded **\$70,000** in emotional distress damages after sex based harassment resulted in her feeling fear, anger, worry, embarrassment, degraded, and she had nightmares, hair loss, and problems with her husband and children.

Commission Increased Award of Compensatory Damages to \$50,000. The Commission previously determined that Complainant was discriminated against when the Agency failed to grant him a medical clearance based on its "worldwide availability" requirement. Following a supplemental investigation, the Agency awarded Complainant \$5,000 in non-pecuniary compensatory damages noting that Complainant did not provide any medical evidence to support his claim. The Commission increased the award to \$50,000 on appeal. Complainant stated that he became despondent, depressed, and reclusive because of the Agency's discriminatory actions. Complainant experienced sleeplessness, crying spells, weight loss, anger, and humiliation. Complainant's husband and friends submitted statements supporting his claim. The Commission determined that an award of \$50,000 in nonpecuniary compensatory damages was more appropriate given the nature, severity and duration of the distress Complainant experienced as a direct result of the discrimination. [Harvey D. v. Dep't of State, EEOC Appeal No. 0120171079 \(Aug. 23, 2018\)](#).

Evanovich v. United States Postal Service, EEOC Appeal No. 07A20029 (May 13, 2004)(**\$70,000** award for emotional distress). Complainant's hernia was caused because he was forced to stand for long periods on his injured hip. Complainant had previously sustained a hip fracture that resulted in several surgeries leading to more than one artificial hip. Complainant was living with severe pain in his hip when the agency ordered him to perform his duties without the aid of a chair.

Dayle H. v. Dep't of Veterans Affairs, EEOC Appeal No. 0120140883 (Jan. 17, 2017). Commission Increased Agency's Award of Compensatory Damages to **\$65,000**. The Agency found that the Complainant was discriminated against based on disability because the Agency denied her a reasonable accommodation. The Agency awarded Complainant \$2,048 in pecuniary damages and \$30,000 in emotional distress compensatory damages. The Commission increased the award of pecuniary damages to \$65,000 on appeal. The undisputed evidence showed that, as a result of the Agency's discrimination, Complainant suffered from stress, nervousness and anxiety. Complainant also had to have surgery on her wrist due to the

Agency's failure to provide her with an ergonomic workstation. Complainant indicated that her hypertension was exacerbated by the stress that she experienced at work when her accommodation requests were denied. After her physician recommended therapy, Complainant met with her Pastor and went to church to help alleviate her stress. Complainant maintained that her personality has changed, and she has become quieter and does not go out as much. According to Complainant, many of her symptoms and conditions have persisted to the present, including her sleeplessness. She has difficulty turning the pages of books or magazines and writing her names on checks. The Agency acknowledged that Complainant credibly testified to the duration and emotional stress she experienced, and proved that the emotional distress was caused by the discriminatory conduct. The Commission found that an award of \$65,000 was consistent with awards in similar cases.

Lula N. v. Dep't of Veterans Affairs, EEOC Appeal No. 0120113346 (March 21, 2014)(\$65,000 award for emotional distress). Complainant pre-existing health problems aggravated by Agency retaliatory cancellation of her reassignment. Complainant denied compensation for some emotional harm related to other claims for which no discrimination was found. Complainant experienced anxiousness, depression, crying, headaches, insomnia, and high blood pressure. Complainant sought medical treatment and took medication. Complainant's psychiatrist noted that stressors at work negatively affected her blood pressure, and another physician treated Complainant on 25 occasions for job-related stress. Complainant's sister stated that Complainant suffered from severe depression due to the discrimination, and she stopped attending family functions and caring for her home. A portion of Complainant's emotional harm was related to her removal and other claims for which no discrimination was found by the Commission.

Gist v. U.S. Postal Serv., EEOC Appeal No. 0720070081 (April 22, 2010)(\$62,000 awarded for emotional distress damages). Agency did not permit Complainant to transfer to another facility. Complainant testified that she suffered emotional harm, including feeling depressed and helpless. She also withdrew from her normal activities, spent less time with her family, and separated from her husband. Complainant's testimony showed that the emotional harm included her realization that management continued to erroneously view Complainant as a potentially dangerous or violent person.

Pasquale D. v. Dep't of Homeland Sec., EEOC Appeal No. 0120160892 (Apr. 12, 2018). (Emotional distress damages increased from \$30,000 to \$60,000). In a prior decision, the Commission found that the Agency subjected Complainant to racial discrimination when it did not select him for three positions, and ordered the Agency, among other things, to investigate Complainant's claim for compensatory damages. Complainant experienced anxiety attacks, mood swings, nightmares, insomnia, difficulty concentrating, loss of self-esteem, alcohol dependency, weight gain, paranoia, and diminishment of self-worth. He also experienced an exacerbation of his pre-existing conditions such as hypertension and severe back pain. The Commission affirmed the Agency's denial of pecuniary damages, noting that Complainant did not establish a causal connection between the damages claimed and the discriminatory actions.

Breanne H v. Dep't of Transp., EEOC Appeal No. 0720140022 (September 16, 2015) reconsideration denied Request No. 052016002 (February 23, 2016)(Affirming AJ's Award of **\$60,000** in Damages) The Agency discriminated against Complainant on the bases of race, age and reprisal. The discrimination resulted in an exacerbation of Complainant's medical conditions including sleeplessness, anxiety, stress, and depression.

Complainant v. Dep't of Transp., EEOC Appeal No. 0120120933 (February 20, 2015) (Emotional distress damages award increased from \$45,000 to **\$60,000**). Complainant provided objective evidence which established that the discrimination caused Complainant emotional distress for an extended period of time. Complainant stated that she suffered acute exacerbation of severe anxiety and depression, hair loss, weight gain, sleeplessness and migraines. Complainant's medical records confirmed her assertions.

Roxanna B. v. U.S. Postal Serv., EEOC Appeal No. 0120143067 (Nov. 7, 2016). (Emotional distress damages award increased from \$15,000 to **\$60,000**). In a previous decision, the Commission found that the Agency subjected Complainant to a hostile work environment based on disability, and ordered the Agency to, among other things, investigate Complainant's claim for damages. The Agency ultimately awarded Complainant \$15,000 in emotional distress compensatory damages. On appeal, the Commission found that the Agency's award was not sufficient, and increased the award to \$60,000. Complainant claimed that the harassment exacerbated her pre-existing condition and caused her to be more anxious and stressed. She also noted that she had difficulty sleeping, gained weight, suffered embarrassment and humiliation, lost interest in outside activities, and feared losing her job. The evidence showed that Complainant increased her visits to her psychologist during the period in question, and the psychologist confirmed that Complainant experienced "significant anxiety symptoms" due to work-related events. Complainant also submitted statements from family members and co-workers to support her claim. While the Commission recognized that Complainant had a pre-existing condition, the evidence showed that the discriminatory harassment exacerbated her condition, and there was ample evidence attesting to the negative effects of the harassment. Therefore, the Commission found that an award of \$60,000 more appropriately compensated Complainant. The Commission found that Complainant was also entitled to \$7,007.21 in pecuniary damages to compensate her for medical co-pays, prescription medication, and mileage to and from her doctor's office.

Estate of Mary L. Chase v. Department of the Navy, EEOC Appeal No. 0120082106 (January 6, 2010)(**\$60,000** awarded in emotional distress damages). Complainant was subjected to disability discrimination when she was denied reasonable accommodation, and that the denial of accommodation was a significant factor in the performance deficiencies that led to her termination. Complainant, her daughter, and a friend showed that complainant experienced emotional and physical problems, including depression, loss of enjoyment of life, significant weight loss, physical weakness, withdrawal from family and friends, stress and anxiety. The Commission noted that complainant was not entitled to a higher amount because a number of the physical and emotional problems complainant cited were related to matters that occurred prior to the discrimination.

Commission Affirmed AJ's Award of \$55,000 in Compensatory Damages. An AJ concluded that Complainant was subjected to sexual harassment, but not retaliatory

harassment, and awarded Complainant \$55,000 in damages. The AJ then reduced the award by half citing Complainant's assertion that the retaliatory harassment contributed to the emotional harm she experienced. On appeal, the Commission acknowledged that Complainant claimed her emotional harm was due in part to the alleged retaliatory harassment. The Commission found, however, that greater harm was caused by the sexual harassment Complainant experienced. While the alleged retaliatory harassment involved isolated events which, accordingly to Complainant's testimony, demonstrated a lack of civility on the part of three co-workers, the proven sexual harassment included sexual assault, kissing, and physical touching. The Commission stated that it was more reasonable to find that Complainant's experience with anxiety, exaggerated startle response, avoidant behavior, hypervigilance, and thoughts of suicide were related to the sexual harassment. In addition, the cases cited by the AJ in which the Commission awarded \$45,000 to \$65,000 involved similar harm and types of harassment as that experienced by Complainant. Therefore, the Commission found that the AJ's award of \$55,000 was supported by the record without a reduction. [Lois G. v. Dep't of Homeland Sec., EEOC Appeal No. 0120151972 \(June 8, 2017\)](#).

Michael A. Rainbolt v. Department of Transportation, EEOC Appeal No. 0120080503 (March 26, 2008)(\$55,000.00 awarded for emotional distress damages). Complainant's was subjected to a hostile work environment. Complainant suffered emotional distress and resulting physical debilitation from stress caused by the agency's discriminatory harassment. The stress disrupted complainant's home life, brought on feelings of depression and loss of self-esteem, and worsened his psoriatic arthritis, impairing his physical independence.

Commission Increased Award of Non-Pecuniary Damages to \$50,000. An AJ found that the Agency discriminated against Complainant when it restricted the amount of leave she could use under the Family Medical Leave Act and failed to accommodate her. The AJ awarded Complainant \$7,500 in non-pecuniary compensatory damages, and the Commission increased the award to \$50,000 on appeal. The Agency denied Complainant reasonable accommodation for over one year, and Complainant was forced to work through considerable pain and discomfort as a result. Complainant also experienced problems sleeping, headaches, disengagement from family, and higher blood pressure. Her union steward described Complainant's physical deterioration, including a noticeable loss of weight, dark circles around her eyes, and a "glassed-over look." The Commission found that an award of \$50,000 was more appropriate and consistent with other cases. [Danita P. v. Dep't of Veterans Affairs, EEOC Appeal No. 0120172149 \(July 18, 2018\)](#), [request for reconsideration denied, EEOC Request No. 0520180560 \(Feb. 13, 2019\)](#).

Commission Increased Award of Non-Pecuniary Damages to \$50,000. The Commission previously found that Complainant was subjected to sexual harassment by her supervisor and ordered the Agency, among other things, to investigate Complainant's claim for damages. The Agency awarded Complainant \$20,000 in non-pecuniary damages, and the Commission increased the award to \$50,000 on appeal. The Commission noted that, more likely than not, the sexual harassment was not the only factor that caused Complainant's depression and anxiety. Complainant's brother was executed in the Middle East, and Complainant also noted that her co-workers questioned her reputation because of the way she dressed. Nevertheless, the Commission found that the sexual harassment was a significant reason for the ridicule Complainant experienced, as well as her depression, poor self-esteem, irritability, anger, difficulty sleeping, exhaustion, weight gain, and thoughts of suicide. The Commission noted that, seven months after the harassment ceased Complainant was able to form a romantic relationship, and she continued working at the Agency. Considering all of these factors, the Commission concluded that Complainant was entitled to an award of \$50,000 in non-pecuniary damages. The Commission concurred with the Agency that Complainant failed to prove her claim for pecuniary damages. [Blanca B. v. Dep't of State, EEOC Appeal No. 0120171031 \(Aug. 16, 2018\).](#)

Alena C. v. Dep't of Veteran Affairs, EEOC Appeal No. 0720180003 (Apr. 12, 2018), request for reconsideration denied, EEOC Request No. 0520180409 (Oct. 25, 2018). (Commission Affirmed AJ's emotional distress award of **\$50,000**). Following a hearing, the AJ issued a decision finding that Complainant was subjected to a discriminatory nonselection, but failed to prove she was subjected to a hostile work environment. The AJ found Complainant was entitled to \$50,000 in emotional distress compensatory damages for the physical symptoms she suffered because of the Agency's selection process, and the Commission affirmed the AJ's award on appeal. Complainant suffered headaches, nerve damage, stress, facial swelling, hives, and numbness. Complainant submitted medical documentation showing that, following the discrimination, she began to experience pain, muscle spasms, nerve pain, hives, and facial swelling, and was placed on medication and physical therapy for these symptoms. She also became socially withdrawn.

Greg M. v. Dep't of Veterans Affairs, EEOC Appeal No. 0120160345 (Jan. 31, 2018)(Commission increased Agency's FAD award of damages from \$5,000 to **\$50,000**.) The Agency found that it discriminated against Complainant based on disability when it failed to reasonably accommodate his condition. The Agency was not responsible for Complainant's pre-existing conditions, it was responsible for aggravation to those conditions caused by the discrimination. Complainant suffered stress and emotional harm on a daily basis, and the discrimination caused him to experience nightmares, stomach pain, panic attacks, weight gain, and anger. Complainant withdrew from his wife and children. Complainant's wife and co-worker provided statements corroborating Complainant's contentions.

Commission Increased Agency's Award of Emotional Distress Damages to \$50,000. In a prior decision, the Commission found that the Agency retaliated

against Complainant when it did not select her for a position. The Agency conducted a supplemental investigation and awarded Complainant \$10,000 in damages. The Commission increased the award to \$50,000 on appeal, finding that the Agency's award was inadequate. The record showed that after the retaliatory non-selection, Complainant experienced, among other things, depression, stress, humiliation, hopelessness, social withdrawal, and problems in her marriage. While many of these symptoms were present before the retaliation, the retaliation significantly exacerbated Complainant's symptoms. Complainant's husband and a co-worker provided statements detailing the mental harm Complainant experienced. [Amie H. v. Dep't of Veterans Affairs, EEOC Appeal No. 0120160528 \(Nov. 30, 2017\).](#)

Complainant v. Dep't of Veterans Affairs, EEOC Appeal No. 0120130353 (September 9, 2015)(Affirming AJ's Award of **\$50,000** in Emotional distress Damages) Complainant had a history of depressive disorder, and experienced other stressors in her life which also caused Complainant's emotional distress. The award was in line with other cases in which the complainant experienced depression, suicidal ideations, anxiety, difficulty concentrating, insomnia, and stomach problems. The Commission also found that the AJ properly reduced Complainant's claimed pecuniary damages given that not all of the stressors were caused by the sexual harassment.

Nia G. v. Dep't of Justice, EEOC Appeal No. 0120123467 (April 3, 2015)(Affirming AJ's Award of **\$50,000** in Emotional distress Damages) Complainant discriminated against on the basis of disability and retaliation when it failed to accommodate her, disclosed confidential medical information, and denied her a within grade increase. Complainant suffered extreme stress, shock and humiliation, much of which she attributed to the co-worker's behavior, and the stress manifested itself in frequent absences from work, headaches, rashes, weight fluctuations, depression, anxiety, insomnia, nightmares, and suicidal ideations. The AJ determined that although Complainant clearly suffered severe and numerous mental and physical effects during the relevant time period, as corroborated by extensive medical and counseling records, she did not prove that all of these effects were attributable to the discrimination and reprisal. The Commission also found that Complainant should be awarded 50 percent of the claimed past, pecuniary damages because only half of the claimed damages were attributable to the findings of discrimination.

Tom S. v. Dep't of Justice, EEOC Appeal No. 0720140012 (January 22, 2015). (Affirming AJ's Award of **\$50,000** in emotional distress damages). Agency discriminated against Complainant with regard to his performance appraisal, a transfer, and two nonselections. The AJ considered Complainant's wife's credible testimony regarding his mood and temper, as well as their ensuing divorce. Complainant's wife noted that the family learned to "walk on eggshells," and would stay away from Complainant after the work week. Additionally, Complainant testified to feeling hopeless and "held hostage" by the repeated denial of transfers.

Bradstreet v. Dep't of the Army, EEOC Appeal No. 0120112517 (June 27, 2012). (Award of **\$50,000**) The hostile work environment affected complainant's health and caused her a great deal of stress, as well as headaches, and an upset stomach. She had trouble sleeping and

concentrating, and experienced depression and anxiety. Complainant stated that the stress negatively affected her relationship with her husband and son. Complainant stated that she called in sick once or twice a month because she did not want to be at work because of the hostile environment. The work environment degraded complainant's trust in her fellow employees. Complainant was off work for approximately three months due to the stress of the harassing events.

Welker v. Department of Agriculture, EEOC Appeal Nos. 0120120330 and 0120093426 (July 27, 2012) Agency FAD award of \$3,500 for emotional distress damages increased to **\$50,000**. Complainant provided detailed statements regarding the effects of the unlawful reprisal on his life. He sustained ongoing emotional distress on an almost-daily basis because of the Agency's reprisal. Complainant further stated the discrimination negatively impacted his interactions with two supervisors; his spiritual life; his family life; and professional relationships. Complainant also explained that he experienced emotional distress almost daily because of the retaliatory actions of two supervisors, and he avoided meetings with the supervisors, did not attend office functions or office social events, and did not speak to the supervisors unless absolutely necessary. Moreover, Complainant stated that the stress caused by the reprisal cause his blood pressure to elevate to dangerously high levels. Additionally, Complainant's physician submitted a letter dated January 7, 2009, in which he stated that Complainant has been under his care since December 17, 2002, and on March 24, 2008, Complainant reported to him that he was having problems at work and experienced chest pains, abdominal pains, and bloating. The physician's letter further stated that "it is believed that his stress is what ultimately led to his chest and abdominal complaints and his hypertension." The physician also noted that Complainant had no prior history of hypertension and previously had a normal electrocardiogram reading. A former Agency supervisor also provided a statement in which he stated that the discrimination caused Complainant to transform from a confident person into a person who "felt doom and gloom were hanging over him."

De Los Santos v. Environmental Protection Agency, EEOC Appeal No. 0120091233 (July 12, 2012)(\$50,000 emotional distress award). Complainant subjected to a discriminatory hostile work environment from December 2001 until August 2004. Complainant was entitled to past pecuniary damages for documented housing expenses he incurred from the time he was denied a transfer in August 2002 until the time he voluntarily retired in October 2007. With regard to Complainant's emotional distress damages, Complainant submitted a personal statement in which he indicated that the harassment caused him severe emotional suffering including anger, frustration, loss of self-esteem, embarrassment, anxiety, stress, decreased energy, and depression. Complainant suffered a loss of enjoyment of life, separation from his family, headaches, upset stomach, and difficulty sleeping. Complainant's wife and brother submitted affidavits that supported Complainant's assertions. Complainant also submitted statements from his doctor regarding his diabetes. While the documentation did not indicate the cause of Complainant's diabetes, the doctor noted that stress could greatly affect glucose levels, and that Complainant had reported that he suffered stress due to being away from his family. Finally, a co-worker indicated that the discrimination made Complainant upset and embarrassed, and Complainant often talked about how much he missed his family due to the Agency's failure to relocate him.

Becky Rey v. Dep't of the Interior, EEOC Appeal No. 0120123231 (February 1, 2013)(Increasing FAD award of \$10,000 for emotional distress to **\$50,000**) Complainant provided a statement from her therapist and medical documentation establishing that she suffered from an adjustment disorder with mixed anxiety and depression which was caused by the retaliatory discharge. The documentation also showed that Complainant would continue to need treatment. Complainant consistently expressed a profound fear of the official who terminated her, and stated that she experienced headaches, fear of going out alone and difficulty sleeping. The Commission affirmed the Agency's award of \$5,837.29 in future pecuniary damages, and \$2,506.97 in past pecuniary damages.

Lovett v. Dep't of Defense, EEOC Appeal No. 0120102682 (December 20, 2011)(FAD emotional distress award of \$13,000 increased to **\$50,000**). Complainant experienced hypertension, depression, stress, anxiety, headaches, chest pain, stomach cramps, sleep problems, nightmares, irritability, a lack of interest in social activity, and thoughts of violence. Complainant's psychiatrist found that he was unable to work, and Complainant ultimately filed for disability retirement. Many of the symptoms were present before the retaliation, the non-selection significantly exacerbated Complainant's symptoms as evidenced by his seeking psychiatric help shortly thereafter.

Reed v. Dep't of Transp., EEOC Appeal No. 0120080520 (January 21, 2011)(**\$50,000** awarded in emotional distress damages). Complainant experienced emotional and physical suffering as a result of the discrimination, and became detached from his family. Complainant's wife stated that the tension caused by Complainant's work situation made it unbearable to live together, and caused her to move out of the house. Complainant's daughters stated that he was very tense, and became isolated. Several additional family members submitted affidavits confirming that after Complainant was discriminated against, he became removed from his family and stopped attending family events. The record also included statements from Complainant's co-workers and subordinates indicating that he became less effective at work. The Commission concluded that Complainant experienced emotional mood swings, mental anguish, and damage to his professional reputation and standing as a result of the discrimination, as well as marital and familial strain. The Commission also ordered the Agency to compensate Complainant for leave he used as a direct result of the discrimination.

Brendon M. Stokes v. Department of Homeland Security, EEOC Appeal No. 0120071802 (December 10, 2008)(**\$50,000.00** awarded for emotional distress damages). Complainant provided his own detailed statement and a statement from his wife describing a significant amount of emotional distress. In addition, complainant presented detailed reports from his psychiatrist and psychologist showing that workplace stress caused him to suffer intense emotional pain and suffering, mental anguish, loss of enjoyment of life, and loss of health. Complainant was so incapacitated that he was unable to perform even basic self-care acts such as washing, dressing, and eating. While the record contained evidence of other contributing factors, the agency conceded that the retaliation contributed to complainant's emotional and physical condition.

Martin v. Department of Justice, EEOC Appeal No. 0720060069 (January 11, 2008)(**\$50,000.00** awarded for emotional distress damages). Complainant was subjected to a hostile work environment when his subordinates disrupted meetings, undermined his

authority, and made threats of violence. Complainant endured several years of humiliation and bigotry, and was still seeking treatment for his emotional distress at the time of the hearing.

Okezie v. Department of Veterans Affairs, EEOC Appeal No. 0720070005 (March 19, 2008)(\$50,000.00 awarded for emotional distress damages). Damages award was based upon two declarations from psychologists, as well as a statement from complainant's husband, a co-worker, and complainant herself that she suffered from depression, stress and anxiety. In addition, complainant, a nurse, suffered weight loss, crying, a strained marital relationship, social withdrawal, and an inability to sleep.

Hern v. Department of Agriculture, EEOC Appeal No. 0720060012 (March 10, 2008)(\$50,000.00 awarded for emotional distress damages). Complainant suffered emotional distress, depression, and anxiety, and complainant submitted medical evidence in support of his claim. Testimony of complainant's wife and co-workers further confirmed his condition.

Lindsay v. Department of Veterans Affairs, EEOC Appeal No. 0720070016 (July 26, 2007), request for reconsideration denied, EEOC Request No. 0520070874 (September 26, 2007)(\$50,000.00 awarded for emotional distress damages). Complainant suffered stress as a result of the agency's action, lost weight, and became withdrawn. Complainant's sister and husband also testified as to their observations of complainant.

Arizola v. Department of Homeland Security, EEOC Appeal No. 07A30132 (February 4, 2004)(\$50,000 award for emotional distress). Agency stripping complainant of her supervisory duties and demoting her, actions which violated the anti-retaliation clause of Title VII, resulted in stress-induced ailments. Complainant suffered from hypothyroidism, hypercholesterolemia, and chronic depression. The stress experienced by complainant as a result of the retaliation manifested itself as headaches, fatigue, uncontrolled tearfulness, anxiety, fearfulness, inability to concentrate, profound dysphoria, and exacerbated depression.

Ortiz v. United States Postal Service, EEOC Appeal No. 01A15376 (September 25, 2002) request for reconsideration denied EEOC Request No. 05A30082 (January 7, 2003)(\$50,000 award for emotional distress). Complainant suffered sleeplessness and ulcers related to the stress he experienced from work. Complainant suffered physically and emotionally from the discrimination. Complainant suffered insomnia, paranoia, vomiting, depression, and stomach ulcers. The agency's actions caused Complainant a loss of enjoyment of life, as well as a loss of reputation and sought counseling for depression and sleep apnea.

McCoy v. Department of Transportation, EEOC Appeal Nos. 07A10010 and 01A10533 (March 14, 2002)(\$50,000 award for emotional distress). Complainant suffered, and continues to suffer emotional harm consisting of major depression, loss of respect at work, increased frequency of headaches, stress, anxiety and fear of losing her job, among other things., Complainant began seeing a chiropractor for almost continuous severe headaches for which she was taking up to ten or twelve or more Advil a day. She experienced chest pains and severe muscle spasms which were also attributed to work-related stress. Complainant was referred to a psychologist, and physical therapy was ordered, as well as antidepressants. Complainant's physician noted that although the medication prescribed to her helped somewhat, complainant continued to have problems sleeping too much and/or waking up

during the night. In 1999, complainant began seeing a psychiatrist and continues to see her. We also note that as a result of work related stress in March 1999, complainant was ordered off of the job by her physician and did not return until January 2000. Further, the testimony is un rebutted that prior to her transfer to the office in question, complainant saw a physician only once a year for her annual physical.

EEOC Awards **\$45,000.00** in Non-Pecuniary Damages. Following the agency's finding that complainant was subjected to gender-based harassment, complainant submitted evidence in support of a claim for compensatory damages. Complainant stated that she experienced anxiety, sleep problems, agitation, fearfulness, and gastrointestinal problems. Further, statements from several family members and friends confirmed that complainant experienced a great deal of stress and anxiety. The record also showed that complainant attended counseling sessions during the period in question, and her psychologist noted that complainant described episodes of daily anxiety, increased stress, loss of sleep, and depression. Based upon the evidence of record, the Commission concluded that complainant was entitled to an award of \$45,000.00 in non-pecuniary compensatory damages. *Susan Servold v. Department of Homeland Security*, EEOC Appeal No. 0120053029 (March 29, 2007).

Commission Affirmed Agency's Award of \$40,000 in Non-Pecuniary Damages.

The Agency determined that Complainant was subjected to a discriminatory hostile work environment with respect to racially offensive postings on a group Facebook page for employees at his facility. The Agency awarded Complainant \$40,000 in non-pecuniary compensatory damages, and the Commission affirmed the award on appeal. The Commission noted that Complainant was not entitled to compensation related to incidents which were not found to be discriminatory. Complainant stated that he suffered from depression, anxiety, increased stress, and fatigue, and isolated himself, had difficulty sleeping, and experienced changes in appetite. Complainant provided statements from friends, his ex-wife and sisters in support of his claim. The only medical documentation provided included a summary of information Complainant provided to the medical facility rather than an assessment conducted by a medical practitioner. The Commission affirmed the Agency's denial of pecuniary damages, stating that claims related to Complainant's allegation of constructive discharge were not part of the Agency's finding of discrimination, and there was no evidence that the harassment proximately caused his diabetes two years later. [Harris K. v. Dep't of Homeland Sec., EEOC Appeal No. 0120180595 \(Apr. 24, 2018\)](#). *(a summary of the Commission's decision regarding attorney's fees can be found above - Ed.)*

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\$40,000 Awarded for Sex, Age, and Reprisal Discrimination. Following a finding of sex, age, and reprisal discrimination, an AJ awarded Complainant, among other things, \$40,000 in non-pecuniary compensatory damages. On appeal, the Commission concurred with the AJ's award. Complainant was diagnosed with depression, anxiety, and high blood pressure related to the discrimination. Complainant was treated by a physician for these conditions and took medication. In addition, various witnesses testified regarding the change in Complainant's personality following the discrimination, noting that she became emotionally distraught. *Clifford v. U.S. Postal Serv.*, EEOC Appeal No. 0720100010 (May 18, 2010).

\$40,000.00 The agency implemented an Administrative Judge's finding that complainant was subjected to disability discrimination when the agency violated his work restrictions. The Administrative Judge awarded complainant \$7,500.00 in compensatory damages, and complainant appealed to the Commission. On appeal, the Commission determined that complainant was entitled to an award of **\$40,000.00** in nonpecuniary compensatory damages. The Commission noted that complainant worked more than 140 days outside of his eight-hour work restriction. In addition, complainant's sister testified that she noticed significant personality and behavior changes in complainant, as well as physical changes. Complainant lost weight, did not bathe, and did not take care of himself. Complainant's own statement described a significant amount of emotional distress, and reports from his physicians showed that work-place stress caused intense emotional pain and suffering, anxiety and depression. Thus, the Commission concluded that complainant was entitled to an award of \$40,000.00 in compensatory damages resulting from the discrimination. *Patrick J. Rea v. U.S. Postal Service*, EEOC Appeal No. 0120090934 (June 4, 2009).

\$40,000.00 Awarded for Disability Discrimination and Retaliation Regarding Medical Examinations and an Unsatisfactory Performance Rating. The Commission affirmed an AJ's award of \$40,000.00, subsequent to a 2002 finding by EEOC of disability discrimination when the agency required complainant to submit to additional medical examinations after being declared fit for duty; and retaliation when he was issued an unsatisfactory performance rating. Complainant's physician and others testified that complainant's post traumatic stress disorder and depression were exacerbated by the discrimination. *Steven F. Meeker v. United States Postal*

Service, EEOC Appeal No. 0120080625 (May 12, 2008), request for reconsideration denied, EEOC Request No. 0520080591 (July 16, 2008).

Commission Increased Damages to \$40,000 for Finding of Discriminatory Interference with EEO Process. The Commission previously found that Complainant's Supervisor unlawfully retaliated against Complainant and interfered with the EEO process when he threatened Complainant that filing a complaint "would not be in [his] best interest." The Agency awarded Complainant \$6,000 in damages, and the Commission increased the award to \$40,000. Complainant testified that the effects from the Supervisor's retaliatory behavior extended over a period of approximately three years, and he experienced embarrassment, humiliation, anguish, and the deterioration of his relationship with his co-workers. He also experienced physical symptoms including weight gain, exacerbation of previous hypertension, insomnia, loss of libido, and damage to his relationship with his wife and children. The Commission concluded that an award of \$40,000 was appropriate given the nature and duration of the harm. The Commission also addressed the issue of attorneys' fees as referenced above. *Complainant v. Dep't of the Army*, EEOC Appeal No. 0120120446 (November 14, 2014).

EEOC Awards \$40,000.00 in Damages. The Commission awarded complainant \$40,000.00 in compensatory damages following an earlier finding that he was subjected to retaliation when a supervisor moved his office multiple times, transferred him out of her service, and expressed discriminatory animus for serving as an EEO Counselor. The supervisor's public complaints about complainant became known to high-level officials at the facility. According to the documentation submitted, complainant was diagnosed with an adjustment disorder, generalized anxiety and depressed mood, which complainant related to his workplace. The Commission noted that the supervisor's treatment of complainant extended beyond her actual supervision, and damaged his reputation in the agency. *Daniel Tramontozzi v. Department of Veterans Affairs*, EEOC Appeal No. 0120053114 (May 10, 2007).

\$38,000 Awarded for Disability Discrimination. Following a hearing, an Administrative Judge (AJ) found that the Agency discriminated against Complainant on the basis of her disability when it denied her reasonable accommodation, and awarded Complainant \$15,000 in non-pecuniary compensatory damages. On appeal, the Commission modified the award. Complainant stated that she had physical pain and was unable to participate in sports or tend to her family and home as she did in the past. Complainant provided a letter from her podiatrist stating that the Agency's failure to provide Complainant with accommodation exacerbated her condition, and Complainant became depressed due to the chronic pain. Complainant's cousin and co-worker stated that prior to the discrimination, Complainant was energetic and outgoing but can no longer clean her house, or attend her children's functions. Another co-worker indicated that Complainant no longer participates in church functions, has problems walking, and is usually depressed. Complainant provided documentation showing that she received psychological counseling related to her

medical condition. The evidence showed that the Agency's denial of accommodation interfered with Complainant's healing following her two surgeries. The Commission noted, however, that the record indicated that Complainant's life was drastically affected by her medical condition prior to the discriminatory denial of accommodation. The Commission found that an award of \$38,000 was consistent with awards made in similar cases. *Murrell v. U.S. Postal Serv.*, EEOC Appeal No. 0120103507 (January 18, 2013).

Commission Increased Award of Damages to \$35,000. In a prior decision, the Commission found that the Agency discriminated against Complainant when it denied her the opportunity to attend training, and ordered the Agency, among other things, to investigate her claim for damages. The Agency awarded Complainant \$21,000 in non-pecuniary damages. The Commission increased the award to \$35,000 on appeal, finding that the Agency incorrectly determined that Complainant was subjected to only seven months of harm rather than the six years alleged. Complainant stated that she had been under stress since 2011 that affected her marriage, and the Commission found that the Agency's award did not adequately account for the duration of Complainant's harm. The Commission stated that Complainant failed to provide evidence to support her claim for pecuniary damages. [Roxane C. v. Dep't of Def., EEOC Appeal No. 0120170899 \(Dec. 29, 2017\).](#)

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Commission Increased Award of Damages to \$35,000. In a prior decision, the Commission ordered the Agency, among other things, to investigate Complainant's claim for compensatory damages after finding that it subjected Complainant to reprisal. On appeal from the Agency's final decision in that matter, the Commission increased the award of non-pecuniary damages to \$35,000. The Commission noted that Complainant prevailed on only three of the 10 incidents she raised in her complaint, and, as such, her recovery should be 30 percent of the base award. The testimony and documentary evidence, including statements from a psychologist, and a psychiatrist, as well as affidavits from family members, friends, co-workers and Complainant's minister, established that Complainant's preexisting anxiety and depression were aggravated by the discriminatory actions. Although Complainant was able to continue working, her personality and outlook permanently changed

from optimistic and hopeful to gloomy and pessimistic, and her personal relationships deteriorated. The Commission considered that Complainant was also exposed to stressors outside of work after the retaliatory incidents occurred which affected her condition. The Commission found that Complainant did not establish the necessary causative link to support a claim for future pecuniary damages, and stated that her claim for lost real estate earnings was speculative at best. The Commission did affirm the Agency's award of \$18,255.50 in pecuniary damages. [Sanora S. v. U.S. Postal Serv., EEOC Appeal No. 0120133235 \(December 11, 2015\)](#)

Commission Increased Agency's Award of Damages to \$35,000. The Commission previously found that the Agency discriminated against Complainant on the basis of his race when it did not select him for a position. The Commission subsequently increased the Agency's award of \$1,000 in damages to \$35,000 based upon evidence that Complainant experienced anxiety, depression, mental anguish, and chronic sleeplessness as a result of the discrimination which affected his marriage and relationship with his family and friends. Complainant provided letters from his pastor and a friend attesting to his claim of emotional harm. [Complainant v. Tenn. Valley Auth., EEOC Appeal No. 0120133385 \(September 15, 2015\)](#).

Commission Affirmed AJ's Award of \$35,000 in Damages. After finding that the Agency discriminated against Complainant when it gave her an unacceptable performance rating, the AJ ordered the Agency to pay Complainant \$35,000 in compensatory damages, and the Commission affirmed the award on appeal. Complainant and her spouse testified that she suffered sleeplessness, anxiety and an increase in migraine headaches, as well as a loss of enjoyment of life. Complainant sought help from the Agency's Employee Assistance Program, a therapist and a psychiatrist, and the AJ considered that Complainant and her husband requested transfers to a different location in order to remove themselves from the facility where the discrimination occurred. The Commission noted that while a portion of Complainant's suffering was attributable to incidents of harassment for which no discrimination was found a portion also resulted from Complainant's receipt of the unacceptable rating. [Complainant v. Dep't of Justice, EEOC Appeal No. 0720150006 \(June 15, 2015\)](#).

Commission Increases Award for Retaliation. An AJ awarded Complainant \$15,000 in non-pecuniary compensatory damages after finding that the Agency retaliated against him with regard to his performance appraisal. On appeal, the Commission increased the award to **\$35,000**. Complainant stated that he suffered headaches, insomnia, humiliation and marital problems after the retaliation. Complainant's wife and pastor testified as to the humiliation, job stress and depression that Complainant experienced, and Complainant stated that the retaliation affected his relationship with his wife to such a degree that she suggested he quit his job. The Commission found that an award of \$35,000 was consistent with prior Commission precedent. *Complainant v. Dep't of the Navy*, EEOC Appeal No. 0720130020 (June 18, 2014).

\$35,000 Awarded for Retaliation. An AJ awarded Complainant \$15,000 in non-pecuniary compensatory damages after finding that the Agency retaliated against him with regard to his performance appraisal. On appeal, the Commission increased

the award to \$35,000. Complainant stated that he suffered headaches, insomnia, humiliation and marital problems after the retaliation. Complainant's wife and pastor testified as to the humiliation, job stress and depression that Complainant experienced, and Complainant stated that the retaliation affected his relationship with his wife to such a degree that she suggested he quit his job. The Commission found that an award of \$35,000 was consistent with prior Commission precedent. *Complainant v. Dep't of the Navy*, EEOC Appeal No. 0720130020 (June 18, 2014).

\$35,000 Awarded for National Origin Discrimination. Complainant filed a formal EEO complaint alleging that the Agency discriminated against him on the basis of his national origin when it assigned him to full time telephone duty, and an AJ found that Complainant was discriminated against as alleged. The AJ, among other things, awarded Complainant \$35,000 in compensatory damages. After the Agency reduced the award of damages, Complainant appealed the decision to the Commission. On appeal, the Commission found that the AJ's award of damages was supported by substantial evidence and consistent with Commission precedent. Complainant suffered sleeplessness and daily humiliation for months. In addition, since only employees involved in illegal activities, those who had pending investigations, or those who violated the code of ethics were assigned full time telephone duties, Complainant retired with the stigma of having done something wrong. Thus, the Commission affirmed the AJ's award of \$35,000 in compensatory damages. *Rosa v. Dep't of Justice*, EEOC Appeal No. 0720090035 (December 2, 2010).

35,000 Awarded for Sexual Harassment. The agency found that complainant was subjected to sexual harassment for a period of approximately six months, and awarded complainant \$8,000 in non-pecuniary compensatory damages. On appeal, the Commission increased the award to \$35,000 to adequately compensate complainant for the emotional distress she experienced. Complainant stated that she suffered physical and emotional harm. Complainant's husband indicated that complainant became distant after the harassment began, and that their relationship deteriorated such that, at one point, he moved out of the house. Finally, two co-workers confirmed that complainant experienced stress, and cried on almost a daily basis. The Commission denied complainant's claim for pecuniary damages for physical injuries resulting when a shelf fell on her and gastric bypass surgery, finding no evidence that those claims were related to the discriminatory harassment. *Sandra J. Hyde v. Department of Justice*, EEOC Appeal No. 0120073964 (November 24, 2009).

EEOC Awards \$35,000.00 in Damages. The Commission affirmed the Administrative Judge's finding that the agency denied complainant reasonable accommodation for a period of approximately one year. In connection with that finding, the Commission awarded complainant \$35,000.00 in compensatory damages. The record included statements from complainant, as well as his wife and doctor, concerning the emotional pain he suffered from being denied accommodation. The Commission noted that the amount awarded was not monstrously excessive and is consistent with awards in similar cases. *Michael B. Halperin v. Department of Homeland Security*, EEOC Appeal No. 0120051983 (May 31, 2007).

Commission Affirmed AJ's Award of \$32,500 in Compensatory Damages.

Following a finding of harassment based on sex and retaliation, an AJ determined that Complainant was entitled to compensatory damages in the amount of \$32,500. Complainant testified that she suffered for over three years and was treated for generalized anxiety disorder and work-related stress. Complainant also stated that she suffered from depression, anxiety, constant panic attacks, hopelessness and low self-esteem, could not sleep at night, and experienced an exacerbation of her chronic pain disorder. Complainant's physician supported Complainant's diagnosis and connected the exacerbation of her condition to the workplace environment. Finally, Complainant noted that her relationships with friends and family were strained. Taking Complainant's testimony and medical evidence into consideration, as well as awards in similar cases, the Commission found that the AJ's determination that Complainant was entitled to \$32,500 in compensatory damages was supported by the record. [Velva B. v. Dep't of the Navy, EEOC Appeal No. 0120152226 \(June 8, 2017\)](#).

Commission Increased Award of Non-Pecuniary Damages to \$30,000.

Following a hearing, an AJ found that the Agency subjected Complainant to several discriminatory incidents and harassment. The AJ awarded Complainant \$20,000 in non-pecuniary compensatory damages, and the Commission increased the award to \$30,000 on appeal. Complainant stated that she experienced panic attacks, migraine headaches, depression, loss of enjoyment of life, anxiety and marital difficulty. Complainant stated that the effects of the discrimination lasted approximately six months. Complainant's brother testified in support of her claim, and Complainant submitted 15 exhibits. Complainant, who had no prior history of depression, was diagnosed with both depression and anxiety following the discrimination. She also had suicidal thoughts, attended therapy, and began taking medication. The Commission found that an award of \$30,000 was appropriate to remedy the harm that Complainant suffered as a result of the Agency's discriminatory conduct. [Jasmine Y. v. Dep't of the Army, EEOC Appeal No. 0120171163 \(Aug. 14, 2018\)](#).

Commission Increased Award of Damages to \$30,000. The AJ awarded Complaint \$25,000 in compensatory damages, which the Commission increased to \$30,000. Complainant presented credible testimony that he experienced stress, sleeplessness, chest pains, hopelessness, anger, a depressed outlook on life, and aggravation of teeth grinding. The Commission stated that an award of \$30,000 was comparable to awards in prior decisions. [Ross H. v. U.S. Postal Serv., EEOC Appeal No. 0720180001 \(May 17, 2018\)](#). *(a summary of the Commission's decision regarding sanctions can be found below - Ed.)*

Commission Increased Agency's Award of Damages to \$30,000. In a prior decision, the Commission found that the Agency denied Complainant reasonable accommodation and subjected him to a hostile work environment based on his disability. The Agency conducted a supplement investigation and awarded Complainant \$12,000 in non-pecuniary compensatory damages. The Commission increased the award to \$30,000 on appeal. Complainant stated that he suffered

extreme stress and marital problems, exacerbation of his pre-existing conditions, abdominal pain, and isolation from his family. Complainant also indicated that he attempted suicide due to the discrimination. Complainant's wife corroborated his claim, and he submitted statements from several family members who indicated they witnessed Complainant's mental anguish due to the stress from his work situation. The Commission agreed with the Agency that Complainant failed to prove his claim for pecuniary damages. [Dallas D. v. U.S. Postal Serv., EEOC Appeal No. 0120150319 \(Mar. 24, 2017\)](#).

Commission Increased Award of Damages to \$30,000. The Commission previously found that the Agency did not make a good faith effort to reasonably accommodate Complainant and ordered the Agency to investigate Complainant's claim for damages. The Agency subsequently awarded Complainant \$4,500 in non-pecuniary damages, and the Commission increased the award to \$30,000 on appeal. Complainant stated that the failure to provide her with accommodation for three months caused her to suffer mental anguish, as well as eye strain, and pain in her hip and back for an extended period. Complainant provided a letter from her husband stating that Complainant experienced setbacks which required more trips to the doctors for evaluation and treatment. Given the Agency's failure to address a situation that was inherently degrading and humiliating, the Commission found that an award of \$30,000 was reasonable to compensate Complainant. [Marguerite W. v. Dep't of Labor, EEOC Appeal No. 0120142727 \(Dec. 21, 2016\)](#).

Commission Increased Agency's Award of Damages to \$30,000. In a prior decision, the Commission found that the Agency denied Complainant reasonable accommodation and subjected him to a hostile work environment based on his disability. The Agency conducted a supplement investigation and awarded Complainant \$12,000 in non-pecuniary compensatory damages. The Commission increased the award to \$30,000 on appeal. Complainant stated that he suffered extreme stress and marital problems, exacerbation of his pre-existing conditions, abdominal pain, and isolation from his family. Complainant also indicated that he attempted suicide due to the discrimination. Complainant's wife corroborated his claim, and he submitted statements from several family members who indicated they witnessed Complainant's mental anguish due to the stress from his work situation. The Commission agreed with the Agency that Complainant failed to prove his claim for pecuniary damages. [Dallas D. v. U.S. Postal Serv., EEOC Appeal No. 0120150319 \(March 24, 2017\)](#).

Commission Affirmed Award of \$30,000 for Discriminatory Non-selection. The Agency issued a final decision finding that Complainant proved that he was discriminated against when he was not selected for one of four Center Director positions, and subsequently awarded him \$6,000 in non-pecuniary compensatory damages. On appeal, the Commission found that an award of \$30,000 was appropriate given the nature and duration of the harm. Complainant adequately and sufficiently described his symptoms including weight gain, loss of enjoyment of life, and increased blood pressure. In addition, Complainant stated that the discrimination aggravated his existing medical conditions, and affected his relationship with his family. Complainant provided statements from his treating physician. The Commission noted that while Complainant attributed at least a portion of the

exacerbation of his conditions to a long commute, it was speculative whether his commute would have been shorter if not for the discriminatory selection. *Complainant v. Dep't of Argic.*, EEOC Appeal No. 0120131896 (May 22, 2014), request for reconsideration denied, EEOC Request No. 0520140443 (February 6, 2015).

\$30,000 Awarded for Discriminatory Non-selection. The Agency issued a final decision finding that Complainant proved that he was discriminated against when he was not selected for one of four Center Director positions, and subsequently awarded him \$6,000 in non-pecuniary compensatory damages. On appeal, the Commission found that an award of \$30,000 was appropriate given the nature and duration of the harm. Complainant adequately and sufficiently described his symptoms including weight gain, loss of enjoyment of life, and increased blood pressure. In addition, Complainant stated that the discrimination aggravated his existing medical conditions, and affected his relationship with his family. Complainant provided statements from his treating physician. The Commission noted that while Complainant attributed at least a portion of the exacerbation of his conditions to a long commute, it was speculative whether his commute would have been shorter if not for the discriminatory selection. *Complainant v. Dep't of Argic.*, EEOC Appeal No. 0120131896 (May 22, 2014).

\$30,000 Awarded for Sexual Harassment. The Agency issued a final decision finding that Complainant was subjected to sexual harassment by a Supervisor, and subsequently awarded Complainant \$500 in compensatory damages. On appeal, the Commission found that the award was not adequate. The Commission noted that Complainant's petition for damages was not in the record or submitted on appeal. Nevertheless, the Commission found that the record contained relevant evidence in the form of Complainant's affidavit that was sufficient to support an award for emotional harm. Complainant stated that she suffered emotional harm from being physically touched and sexually degraded by the Supervisor for a period of between one and two years. Complainant felt embarrassed and violated, and feared for her safety. She was scared to go to work and to leave the facility after work, and was one of several employees who sought a temporary protection order against the Supervisor. The Commission concluded that Complainant was entitled to an award of \$30,000 in non-pecuniary damages. The Commission noted that the lack of medical testimony or documentation in the record reduced what could have been a higher award. *Adams v. Dep't of Health & Human Serv.*, EEOC Appeal No. 0120112249 (March 19, 2013).

\$30,000 Awarded for Harassment. Following a hearing, an AJ found that the Agency subjected Complainant to unlawful national origin and retaliatory harassment. The AJ awarded Complainant \$10,000 in non-pecuniary compensatory damages. Complainant ultimately appealed the matter to the Commission, and the Commission concluded that Complainant was entitled to a compensatory damages award of \$30,000. Complainant testified that the stress caused by the discrimination exacerbated his asthma, for which Complainant received medical attention. Additionally, the record showed that Complainant was diagnosed with hypertension and high blood pressure, which Complainant stated worsened as a result of the discrimination. Complainant also noted that he suffered harm to his career, status at

the Agency, reputation, personal friendships, and relationship with his wife and family. The Commission was not persuaded by Complainant's arguments with respect to pecuniary damages. Specifically, there was no evidence to support Complainant's contention that he was forced into early retirement as a result of the harassment, and such a claim was not pending before the AJ at the time of the hearing. *Morgan v. Dep't of Agric.*, EEOC Appeal No. 0120101559 (September 13, 2012).

\$30,000 Awarded for Sex Discrimination and Harassment. Following a finding that complainant was subjected to sex discrimination and harassment, an AJ awarded complainant \$30,000 in non-pecuniary compensatory damages. The Commission concurred with the award on appeal. The record showed that complainant suffered humiliation, and feelings of uncertainty about her job and career. She also experienced a relapse of depression. She was anxious, sleep deprived, and unable to concentrate at work. The Commission found that the AJ's award was consistent with prior case law, and took into account "other stressors" in complainant's life. *Jannell Smith v. United States Postal Service*, EEOC Appeal No. 0720070031 (December 7, 2009).

Commission Increased Agency's Award of Damages to \$25,000. The Commission previously found that the Agency denied Complainant reasonable accommodation, and, following a supplemental investigation, the Agency awarded Complainant \$5,000. The Commission increased the award to \$25,000 on appeal. The Commission disagreed with the Agency's assertion that statements from Complainant's spouse and co-workers provided little support for the claim. Complainant's spouse and co-workers observed that Complainant experienced physical pain, mental stress, humiliation, depression and embarrassment as a result of the denial of accommodation. In addition, Complainant's spouse stated that their relationship deteriorated and he became socially withdrawn. Complainant stated that the denial of accommodation exacerbated his back condition, and he had to undergo physical therapy. He submitted medical documentation for the period in question to support his contentions. The Commission recognized that Complainant had some pre-existing conditions, but the evidence showed the conditions were exacerbated by the discrimination. The Commission concluded that an award of \$25,000 would appropriately compensate Complainant for the harm caused by the denial of accommodation. The Commission affirmed the Agency's denial of pecuniary damages, noting that Complainant did not provide relevant documentation to substantiate his claim. [Faustino M. v. U.S. Postal Serv., EEOC Appeal No. 0120161783 \(Feb. 2, 2018\)](#).

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Commission Increased Agency's Award of Damages to \$25,000. The Commission previously found that the Agency discriminated against Complainant based on disability when it failed to provide her with an interpreter, and ordered the Agency to investigate Complainant's claim for damages. The Agency subsequently awarded Complainant \$3,000, and the Commission increased the award to \$25,000 on appeal. Complainant clearly stated that she suffered emotional distress for over 22 months when the Agency failed to provide her with a sign language interpreter on several occasions. Complainant stated that she constantly feared that she missed information when she did not understand what was being said at meetings, and worried she was not properly performing her work. Complainant also experienced difficulty sleeping, recurring headaches, weight loss, nausea, and anxiety. Complainant's mother provided an affidavit in support of Complainant's claim. The Commission found that Complainant's request for \$25,000 in damages was reasonable considering the harm Complainant experienced and Commission precedent in claims involving the denial of reasonable accommodation. The Commission found that the Agency properly denied Complainant's request for pecuniary damages because she failed to provide supporting evidence. [Kiara R. v. U.S. Postal Serv., EEOC Appeal No. 0120152620 \(Aug. 10, 2017\)](#).

Commission Affirmed AJ's Award of \$25,000 in Damages. An AJ found that the Agency discriminated against Complainant based on her disability when it did not provide her with reasonable accommodation, and awarded her, among other things, \$25,000 in compensatory damages. The Agency did not challenge the finding of discrimination, and the Commission affirmed the AJ's award of damages on appeal. Complainant suffered insomnia, depression, migraines, anxiety, humiliation, damage to professional reputation, diminished quality of life, damage to relationships with friends and family, and the aggravation of preexisting mental and physical conditions. The Commission found that the award was consistent with awards in similar cases. [Minna Z. v. Dep't of the Air Force, EEOC Appeal No. 0720160009 \(Mar. 10, 2017\)](#).

\$25,000 Awarded for Retaliatory Non-Selection. Following an administrative hearing, an AJ found that the Agency retaliated against Complainant when it did not

select her for the position of Chief of Social Work. The AJ found that Complainant did not show that she was subjected to discrimination on any other basis and did not prove that she was harassed. On appeal, the Commission modified the AJ's award of \$75,000 in compensatory damages. Complainant stated that she was humiliated, and experienced emotional distress, anger, helplessness, and apprehension as a result of the retaliation. The Commission concluded that the award should be modified to \$25,000 which took into account the severity of the harm suffered, and was consistent with prior Commission precedent. *Complainant v. Dep't of Veterans Affairs*, EEOC Appeal No. 0720120033 (March 7, 2013).

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\$25,000 Awarded for Denial of Religious Accommodation. In a prior decision, the Commission found that the Agency failed to accommodate Complainant's religious beliefs. Following a supplemental investigation, the Agency awarded Complainant \$5,000 in non-pecuniary compensatory damages. On appeal, the Commission raised the award to \$25,000, because Complainant provided evidence that she suffered "a great deal of emotional stress" by not being allowed to participate in Sunday worship for a 13-month period. Complainant stated she spent "countless" hours being counseled by her pastor. In addition, the denial of Complainant's accommodation request resulted in her having to resign from several leadership positions she held within her church. Complainant claimed that the emotional stress exacerbated her pre-existing hypertension, causing her physician to prescribe additional medication for the condition. The Commission found that while the evidence did not show that the stress caused Complainant's hypertension, it more likely than not aggravated the condition. Complainant stated that the stress caused ongoing difficulties with sleeping and extreme fatigue, and resulted in significant and ongoing hair loss which affected her sense of self esteem. Complainant presented statements from her doctor, pastor and beautician in support of her claim. *White v. Dep't of Def.*, EEOC Appeal No. 0120103295 (February 27, 2012).

\$25,000 Awarded for Race, National Origin, Color, and Reprisal Discrimination. The Commission previously affirmed the Agency's finding that Complainant was discriminated against with regard to his working conditions because of his race, national origin, color, and prior EEO activity. In addition, the Commission found that Complainant was subjected to retaliatory harassment. Following a supplemental investigation, the Agency awarded Complainant pecuniary damages for moving expenses, storage, temporary living quarters and job

search expenses, but made no award for non-pecuniary damages. On appeal, the Commission initially found that Complainant was not entitled to an award of pecuniary damages for lost profits on the sale of his home because while Complainant asserted that he was threatened with termination, he did not allege that he was constructively discharged. The Commission concluded, however, that Complainant was entitled to an award of \$25,000 in proven non-pecuniary compensatory damages. Complainant submitted a statement indicating that he suffered emotional pain, inconvenience, mental anguish, and loss of enjoyment of life. He noted that, because of the over two and one-half years of discrimination, he gained weight, and began to drink more. His relationships with his wife and sons deteriorated, and he felt humiliated by the racially derogatory comments of his Supervisor. Complainant further stated that he experienced tightness in his back and headaches, and had trouble sleeping. *Rodriguez v. Dep't of Energy*, EEOC Appeal No. 0120101138 (July 14, 2011), request for reconsideration denied, EEOC Request No. 0520110599 (January 23, 2012).

\$25,000 Awarded for Race Discrimination. In a prior decision, the Commission found that Complainant was subject to race discrimination when he was not selected for a Risk Management Specialist position, and the Commission ordered the Agency, inter alia, to conduct a supplemental investigation to determine Complainant's entitlement to compensatory damages. The Agency ultimately awarded Complainant \$10,000. On appeal, the Commission determined that Complainant was entitled to \$25,000 in non-pecuniary damages. The record contained sufficient testimony from Complainant and family members as to the effects of the discrimination. The evidence showed that Complainant suffered from emotional distress, familial strain, stress, and difficulties in preparing his church sermons. *Frazier v. Dep't of Agriculture*, EEOC Appeal No. 0120100064 (March 31, 2011).

\$25,000 Awarded for Retaliatory Harassment. The Commission affirmed the AJ's finding that Complainant was subjected to retaliatory harassment when she was required to provide leave slips, denied travel expenses, and issued an Opportunity to Improve Letter. In addition, the Commission found that Complainant was entitled to an award of \$25,000 in non-pecuniary compensatory damages. Complainant and her husband testified that Complainant experienced depression and had difficulty sleeping. In addition, Complainant was withdrawn, had decreased interactions with family and friends, and had difficulty concentrating. The Commission noted, however, that Complainant and her husband attributed some of her symptoms to actions that were dismissed by the Agency and for which no discrimination was found. *Johnson v. Dep't of the Treasury*, EEOC Appeal No. 0720080019 (June 4, 2010).

\$25,000 Awarded for Retaliation. The Commission determined that complainant was entitled to an award of \$25,000 in non-pecuniary compensatory damages following a finding by an Administrative Judge that complainant had been subjected to reprisal. Complainant submitted several statements confirming that he suffered emotional and psychological harm as a result of the retaliation. Specifically, complainant experienced frustration, feelings of helplessness, humiliation, sleeplessness, obsessive thoughts, chronic fatigue, and anxiety, and was unable to participate in life activities. *Jeffrey S. Smith v. Social Security Administration*, EEOC Appeal

No. 0120072400 (July 17, 2009), request for reconsideration denied EEOC Request No. 0520090623 (February 4, 2010).