

UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

JOHN DOE A, JOHN DOE B, JOHN
DOE C, JANE DOE A, JANE DOE
B, JANE DOE C, JANE DOE D, and
JANE DOE E

Plaintiffs,

vs.

CAROL SPAHN, in her official
capacity as Administrator of the
Peace Corps,

Defendant.

Civil Action No. 1:23-cv-02859 (SJN)

FIRST AMENDED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Plaintiffs, by and through their attorneys, allege as follows:

I. PRELIMINARY STATEMENT

1. This lawsuit—brought on behalf of eight applicants to the Peace Corps’ Volunteer program—seeks to remedy the Peace Corps’ discrimination against applicants for volunteer service with mental health disabilities, in violation of Section 504 of the Rehabilitation Act, 29 U.S.C. § 794(a) *et seq.* (“Rehabilitation Act”), prohibiting discrimination on the basis of disability in programs or activities receiving federal funds or conducted by an Executive Agency, and the Administrative Procedure Act (“APA”), 5 U.S.C. § 551 *et seq.*

2. Plaintiffs John Doe A, John Doe B, John Doe C, Jane Doe A, Jane Doe B, Jane Doe C, Jane Doe D, and Jane Doe E (collectively, “Plaintiffs”)¹ are qualified individuals with perceived or actual mental health disabilities whose commitment to public service motivated their applications to the Peace Corps. The Peace Corps improperly denied Plaintiffs medical clearances and the opportunity to serve in the Peace Corps based on their mental health disabilities, perceived mental health disabilities, and/or record of a mental health disability. The denials were not supported by objective evidence in the record. The Peace Corps did not offer Plaintiffs any reasonable accommodations for their disabilities.

3. As detailed in the Factual Allegations below, the Peace Corps has a policy or practice of discriminating, on the basis of disability, against individuals accepted to be Peace Corps volunteers subject to medical clearance. This Complaint refers to such individuals as Invitees.² In

¹ In some cases, pseudonyms used for Plaintiffs and Invitees in this First Amended Complaint refer to different individuals than in the original Complaint.

² Throughout, the term “Invitee” refers to an individual who (a) was extended a conditional invitation to become a Peace Corps Volunteer, including Response Volunteers, (b) accepted the Peace Corps’ invitation to serve, and (c) must be medically cleared before being placed.

its medical clearance process, the Peace Corps fails to conduct individualized assessments of Invitees with mental health conditions based on reasonable judgment that relies on current medical knowledge and on objective evidence, and fails to consider reasonable accommodations for Invitees with mental health disabilities when conducting its medical clearance process. The Peace Corps routinely denies Invitees with mental health disabilities an equal opportunity to participate in and benefit from its Volunteer program, on account of their disabilities, perceived disabilities, or record of a disability, in violation of the Rehabilitation Act and the APA.

4. The Peace Corps utilizes its Volunteer corps to “promote world peace and friendship,” to meet the basic needs of people living in poverty abroad, and to “help promote a better understanding of the American people on the part of the peoples served” and a better understanding of other peoples on the part of the American people and the Volunteers themselves. 22 U.S.C. § 2501; *see also* 22 U.S.C. § 2517. Yet, the Peace Corps excludes most people with mental health disabilities from fulfilling this mission and the benefits that come from service as a Volunteer.

5. John Doe A, for instance, was invited to serve in the Peace Corps in the Philippines, but then had his medical clearance denied and offer revoked based on a diagnosis of depression from when he was twelve and related symptoms that had not recurred since high school. Similarly, Jane Doe A was offered a Volunteer position and then had it revoked because she had a suicide attempt in her teens, nearly twenty years prior to her Peace Corps application. Jane Doe C had previously served as a Volunteer with the Peace Corps in Kenya, but was denied the opportunity to serve again because of her anxiety and insomnia diagnoses, despite having had no anxiety attacks for ten years and having the support of her doctors and therapists.

6. In their cases, like those of the other Plaintiffs, the Peace Corps failed to properly or accurately assess their capacity to serve in specific posts abroad, and discriminated against them based upon speculation and unwarranted assumptions about their mental health conditions, symptoms, and/or treatment, denying them the opportunity to participate in and benefit from the Peace Corps' Volunteer program. All of the Plaintiffs are deeply committed to Peace Corps service and were devastated by these blatantly discriminatory denials that left them humiliated and unemployed.

7. In sum, the Peace Corps routinely violates the Rehabilitation Act by denying individuals, on account of disability, participation in, and the benefits of, this federally funded program of an Executive Agency. By denying such individuals participation in its Volunteer program on the basis of disability in violation of the Rehabilitation Act, the Peace Corps is also violating the APA, which requires that courts set aside agency actions found to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

8. The Peace Corps has also violated the APA by implementing, without the required process for notice and comment rulemaking, and contrary to law and the Peace Corps' authority, substantive or *de facto* rules – medical clearance criteria and screening guidelines – that impose unsupported and discriminatory limitations on Volunteer service by people with mental health disabilities. For instance, the Peace Corps' written medical clearance criteria and screening guidelines expressly exclude anyone with a past history of co-occurring anxiety and depression or ADHD, even if mild and no longer present, from serving as a Peace Corps Volunteer.

9. All Plaintiffs were denied medical clearances based on the mental health criteria in the Peace Corps' medical clearance criteria and screening guidelines.

10. Furthermore, the Peace Corps has unlawfully withheld or unreasonably delayed the publication of Final Agency Decisions (FADs) for numerous Plaintiffs. All Plaintiffs have followed the Peace Corps' required administrative process for filing EEO complaints with the Peace Corps Office of Civil Rights and Diversity (OCRDR). Peace Corps regulations state that the Peace Corps is supposed to issue a proposed FAD to complainants within 120 days of the timely filing of their formal EEO complaints (unless infeasible). Unless appealed by the complainant, the proposed FAD is considered final. Despite timely filing, several Plaintiffs have been waiting for more than 440 days since filing their formal EEO complaints to receive their FADs. Only one Plaintiff has received a FAD, and it was not provided timely. Peace Corps' delay in providing FADs to the other seven Plaintiffs is unlawful and unreasonable under the APA and is unduly prejudicial to Plaintiffs' interests, as well as to their rights under the APA and Rehabilitation Act.

11. Plaintiffs have no adequate remedy at law and, unless Defendant is preliminarily and permanently enjoined from discriminating against Invitees with actual or perceived mental health disabilities, including through the application of substantive or *de facto* rules that impose discriminatory eligibility criteria, Plaintiffs will continue to suffer irreparable harm as a result of the denial of their rights under the Rehabilitation Act and the APA and will continue to be denied the opportunity to serve in the Peace Corps.

12. Plaintiffs seek declaratory and injunctive relief as set forth below, including an injunction ordering the Peace Corps to comply with the requirements of Section 504 of the Rehabilitation Act and the APA, an opportunity to serve in the Peace Corps, attorneys' fees and costs, and any further relief the Court deems necessary and appropriate.

II. PARTIES

A. Plaintiffs

13. Plaintiffs all share a deep commitment to public service that led them to volunteer with the Peace Corps. Some dreamed of becoming a Peace Corps Volunteer from a young age. All had lived or traveled abroad previously, and all were accepted for service by the Peace Corps, who extended conditional offers to each Plaintiff to serve as Peace Corps Volunteers on a specific project in a specific country following a rigorous and competitive application process. These offers were all contingent on the Peace Corps' "medical clearance" process.

14. As required by the Peace Corps and as part of their application, all Plaintiffs submitted an evaluation by a qualified medical or mental health professional who found them qualified to serve in a specific Peace Corps position and country, with or without reasonable accommodations. All Plaintiffs were denied medical clearances by the Peace Corps, however, based on their actual or perceived mental health disability, and/or record of such disability, without making an individualized assessment based on reasonable judgment that relies on current medical knowledge and on objective evidence, and without offering reasonable accommodations. The Peace Corps' reasons for the denials were provided in writing and for all Plaintiffs expressly stated that the denial was based on their mental health diagnoses, symptoms, and/or treatment, without regard to their present status and impact.

15. Plaintiffs are all protected under Section 504 of the Rehabilitation Act. 29 U.S.C. § 705(20)(B). Each Plaintiff has a "disability," within the meaning of the Rehabilitation Act, because they have an impairment that substantially limits one or more major life activities or major bodily functions, have a record of such an impairment, or were regarded by the Peace Corps as having such an impairment. *Id.*; *see also* 42 U.S.C. § 12102. Each Plaintiff is a qualified individual

with a disability because they meet the essential eligibility requirements for applying to and serving in the Peace Corps, with or without a reasonable accommodation, and indeed were selected as volunteers before the Peace Corps subsequently rescinded their selection based upon Plaintiffs' actual or perceived mental health disabilities, or record of a mental health disability.³

16. Plaintiffs all remain interested in serving in the Peace Corps as Volunteers and would like the opportunity to do so, which requires that the Peace Corps revise its discriminatory policies regarding mental health. As part of the relief sought, all Plaintiffs seek to have their Peace Corps Volunteer service offers reinstated and to serve in the Peace Corps. All remain willing to undergo the medical clearance process prior to service if conducted in a nondiscriminatory manner that fairly evaluates their present mental health condition and fitness to serve.

B. Defendant

17. The Peace Corps is an independent agency within the executive branch of the United States government. 22 U.S.C. § 2501-1. As an Executive Agency and recipient of federal funding, the Peace Corps is covered by Section 504 of the Rehabilitation Act, 29 U.S.C. § 794(a) *et. seq.*

18. As an Executive Agency, the Peace Corps is also covered by the APA. 5 U.S.C. § 551(1).

19. Defendant Carol Spahn is the Director of the Peace Corps, responsible for leading the independent agency. She is sued in her official capacity.

³ Throughout, unless otherwise specified, “disability” is used as defined broadly by the Rehabilitation Act to include people with (1) an actual disability, (2) a perceived disability, or (3) a record of a disability.

III. JURISDICTION AND VENUE

20. This action is brought under the Rehabilitation Act and the APA to address the ongoing denial of access to Volunteer opportunities for people with mental health disabilities by the Peace Corps. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331.

21. Venue is proper in the United States District Court for the District of Columbia pursuant to 28 U.S.C. § 1391(b)(1), because a substantial part of the events giving rise to the claims set forth herein occurred in this district, and because the Defendant maintains an office in this district. The Peace Corps is headquartered in Washington, D.C., including its Medical Office and the Behavioral Health and Outreach Unit within the Office of Health Services.

IV. FACTUAL ALLEGATIONS

A. The Peace Corps Volunteer Program Services & Benefits

22. According to the Peace Corps: “As a Volunteer, you will live and work alongside community members on locally prioritized projects, receiving a living wage and other support as you immerse yourself in a new culture. You’ll build relationships, exchange knowledge, and help transform lives for generations. You will also receive transition funds to help you resettle upon your close of service.”⁴

23. The Peace Corps Volunteer program provides volunteers with numerous benefits, including financial, student loan, travel, medical and dental, career, graduate school, and networking benefits.⁵ Peace Corps Volunteers are provided certain types of compensation,

⁴ *Is the Peace Corps Right for Me?*, Peace Corps, <https://www.peacecorps.gov/volunteer/is-peace-corps-right-for-me/> (last accessed May 1, 2024).

⁵ *Benefits*, Peace Corps, <https://www.peacecorps.gov/volunteer/benefits/> (last accessed Apr. 29, 2024).

training, leave, healthcare, and retirement credits in exchange for their service. 22 U.S.C. § 2504(a).

24. Beyond the tangible benefits, the Peace Corps Volunteer program provides life and work experience to volunteers and “is often called life-defining by the more than 240,000 Americans who have served.”⁶

25. The Peace Corps Act states that “the Peace Corps shall be administered so as to give particular attention to the programs, projects, and activities which tend to integrate disabled people into the national economies of developing countries, thus improving their status and assisting the total development effort.” 22 U.S.C. § 2502(h).

26. The Peace Corps Volunteer program claims to “reflect the diversity of America” and to recruit “Americans with a wide variety of experience, ages, and perspectives so we can share our nation’s greatest resource—its people—with the communities we serve.”⁷ In the Peace Corps’ “diversity and inclusion statement,” diversity is defined as “including race, gender, physical ability, ethnicity, national origin, nationality, religion, veteran status, sexual orientation, gender identification, educational access, and age.”⁸ Notably, mental disabilities are excluded from this list and are not referenced anywhere in the diversity and inclusion statement.

27. Contrary to its stated goals and mission, the Peace Corps has long denied benefits and opportunities to Americans with mental health disabilities and discriminated against Invitees

⁶ *Peace Corps Volunteer*, Peace Corps, <https://www.peacecorps.gov/volunteer/is-peace-corps-right-for-me/peace-corps-volunteer/> (last accessed May 3, 2024).

⁷ *Volunteer*, Peace Corps, <https://www.peacecorps.gov/volunteer/> (last accessed Apr. 29, 2024).

⁸ *Civil Rights and Diversity*, Peace Corps, <https://www.peacecorps.gov/about/civil-rights-and-diversity/> (last accessed Apr. 29, 2024).

with actual or perceived mental health disabilities, and/or records of a mental health disability. In recent years, for example, the Peace Corps had encouraged applicants to review a list of health conditions that it deemed categorically difficult to accommodate, including many mental health conditions that were “typically not supported” and others that triggered medical ineligibility.

B. Peace Corps Medical Clearance Process & Policies Regarding Mental Health

28. After an applicant to the Peace Corps Volunteer program becomes an Invitee, the applicant must submit medical documentation for review by the Peace Corps Office of Medical Services. The Medical Office is responsible for conducting the medical clearance process for Invitees.

29. Invitees must submit documentation of vaccinations, lab tests, medical evaluations, and dental care. The Medical Office may also require specialist examinations and additional forms based on the Invitee’s medical disclosures, including for mental health conditions. When the Medical Office requires specialist examinations and forms, Invitees are often required to incur substantial out-of-pocket costs for these services.

30. As a regular pattern or practice, the Peace Corps fails to conduct individualized assessments of Invitees with mental health conditions that properly and accurately assess their capacity to serve in specific posts abroad, and instead discriminates against them based upon speculation and unwarranted assumptions about their mental health conditions, symptoms, and/or treatment, denying them the opportunity to participate in and benefit from the Peace Corps’ Volunteer program.

C. The Peace Corps Improperly Implemented Rules that Exclude Invitees with Mental Health Disabilities from Serving as Peace Corps Volunteers

31. The Peace Corps has implemented “clearance criteria” and “screening guidelines” for a wide range of mental health conditions, including Generalized Anxiety Disorder; Major

Depressive Disorder; Adjustment Disorder; Acute Stress Disorder and Post Traumatic Stress Disorder (“PTSD”); Attention Deficit Hyperactivity Disorder (“ADHD”); Panic Disorder; Suicidal Ideation, Plan, or Attempt; Non-Suicidal Injury Behavior (“NSSIB”); Previous Psychiatric Hospitalizations; and Counseling, Career-Counseling, or Life Coaching.

32. When an Invitee discloses a mental health condition, Peace Corps personnel within the Medical Office must use the Peace Corps’ mental health clearance criteria and screening guidelines to determine whether the Invitee can be medically cleared. Despite Peace Corps’ characterization of these documents as “guidelines,” they are routinely and rigidly followed and operate to unlawfully exclude large categories of people with actual or perceived mental health disabilities from service. The clearance criteria and screening guidelines leave little to no discretion to reviewers and, in practice, are applied as written. They thus have the force of rules under the APA.

33. For various mental health conditions, the medical clearance criteria and screening guidelines have a long list of disqualifying criteria based on mental health diagnoses, symptoms, and/or treatment, without regard to their present status and impact. If an Invitee’s condition or history meets any one of these criteria, their medical clearance is denied.

34. For example, the ADHD clearance criteria instruct Peace Corps medical staff to deny a medical clearance to an Invitee with ADHD who has any history (no matter how long ago) of an eating disorder, a seizure disorder, substance use disorder, or psychiatric hospitalization, among others.

35. The Peace Corps’ clearance criteria with respect to previous psychiatric hospitalizations do not allow medical staff to consider how long ago an Invitee was hospitalized, the circumstances surrounding the hospitalization, or the Invitee’s health since. The criteria

exclude all Invitees with *any* history of psychiatric hospitalization, partial psychiatric hospitalization, or intensive outpatient psychiatric treatment from serving as Peace Corps Volunteers.

36. The clearance criteria also instruct Peace Corps staff to deny medical clearances to Invitees with Generalized Anxiety Disorder who have a history of a co-existing mental health condition or take more than two psychiatric medications. As a result, anyone with a past history of anxiety and co-occurring depression or ADHD, even if mild and no longer present, is excluded from ever serving as a Peace Corps Volunteer.

37. The clearance criteria for Major Depressive Disorder, Acute Stress Disorder and PTSD, Panic Disorder, and Adjustment Disorder include exclusions virtually identical to those in the criteria for Generalized Anxiety Disorder.

38. Throughout, the medical clearance criteria and screening guidelines used by the Peace Corps rely on outdated and unwarranted assumptions about the ability of people with mental health conditions to live and work abroad and under stressful conditions.

39. The Peace Corps' medical clearance criteria and screening guidelines alter the rights of Invitees and obligations of Peace Corps personnel. They unlawfully deny Invitees with actual or perceived mental health disabilities participation in, and the benefits of, the Peace Corps' Volunteer program.

D. The Peace Corps Does Not Engage in Individualized Assessments or Consider Reasonable Accommodations Resulting in Disability Discrimination

40. The Peace Corps' entire medical clearance process takes place via an online portal, and the Medical Office does not typically interact with Invitees or their medical providers except through messages on the portal. The Medical Office also does not conduct its own in-person medical evaluations.

41. For Invitees with mental health conditions, the Peace Corps does not offer or engage in any interactive process with the Invitee regarding whether reasonable accommodations (such as therapy via telehealth) could and should be provided to the Invitee in or near the country or site where the Invitee has been invited to serve, or whether the Invitee's disability-related needs could be met by serving in a different country or site.

42. If the Peace Corps has a disability-based concern, prior to denying medical clearance to an Invitee, it has an obligation to consider if a reasonable accommodation could resolve this concern, such as an alternative site with more access to internet, mental health treatment, or medication.

43. Rather, as a regular pattern, practice, and/or policy, the Peace Corps discriminates against Invitees with actual or perceived mental health disabilities based upon speculation and unwarranted assumptions about their mental health diagnoses, treatment, and/or symptoms, denying them opportunities to participate in and benefit from the Peace Corps' Volunteer program.

E. The Peace Corps' Medical Clearance Appeal Process

44. When the Peace Corps does not medically clear an Invitee, that Invitee can appeal the decision. To appeal, Invitees submit further information to the Peace Corps. The Peace Corps does not guarantee that the appeal will be decided before the Invitee's previously scheduled departure.

45. If the medical clearance appeal is denied, or if the Invitee does not timely appeal, the Peace Corps' decision is final and binding and the Invitees' offer to serve in the Volunteer program is revoked, representing final agency action.

46. Prior to filing this Complaint, all Plaintiffs appealed their medical clearance decisions timely, all of their appeals were denied based on their mental health conditions and/or

treatment, and all of their offers to serve in Peace Corps' Volunteer program were revoked on this basis, representing final agency action.

F. The Peace Corps' Administrative EEO Process

47. Following the final agency action denying medical clearance and revoking their invitations to serve, the Peace Corps provides an optional administrative equal employment opportunity (EEO) process for Volunteers. That process is described in the Peace Corps' regulations.

48. The EEO process can be used to challenge denials of medical clearance when denied on the basis of disability. The process is convoluted and lengthy. It does not operate on a "first in, first out" basis, but rather takes complaints and issues ROIs and decisions out of order. Recently the Peace Corps regulation was amended to remove provisions that imposed reasonable time limits on this process.

49. To begin the process, Invitees must first go through an informal pre-complaint process (which the Peace Corps refers to as an "informal complaint"), which can drag on for months, and then, if that does not resolve the issue, Invitees may file a formal complaint within 30 days of receiving a right to file notice. 22 C.F.R. § 306.8-9.

50. The formal complaint process is required to result in a Report of Investigation ("ROI")⁹ and a proposed Final Agency Decision ("FAD") within 120 days. 22 C.F.R. § 306.9(i) (unless determined to be infeasible and extended by the Peace Corps). Unless appealed by the complainant, the proposed FAD is considered final and can be appealed in federal court. *Id.* at § 306.9(m).

⁹ A ROI contains factual information relating to an EEO formal complaint which an EEO investigator collects from agency officials and the complainant.

51. In practice, this process does not work and appears designed to ensure that applicants remain in a lengthy administrative limbo with no judicial recourse. Only one of the Plaintiffs, Jane Doe E has ever received a FAD. Other Plaintiffs, as detailed below, have gone over 440 days (at present) since filing their formal EEO complaints, over 500 days since filing their informal EEO complaints, and almost 550 days since the Peace Corps denied their medical clearance and revoked their offers to serve, without receiving a FAD.

52. Nor did Plaintiffs receive notices, ROIs, and decisions in order based on their complaint filing dates; rather, some Plaintiffs who filed their EEO complaints first still have not received a ROI or proposed FAD, while other Plaintiffs who filed their EEO complaints later in time have already received their ROI (without a proposed FAD).

53. Until March 2021, Peace Corps regulations provided that, if the Peace Corps failed to issue a timely FAD, its action would be considered final 180 days after the filing of a formal complaint. In March 2021, the Peace Corps revised its regulations to remove the 180-day limit on the pendency of an EEO complaint. The regulation, as amended, now permits the Peace Corps OCRD Director to extend the Peace Corps' response time indefinitely without notice to the complainant or reasonable basis. Without the 180-day limit, an EEO complaint can drag on endlessly, as has happened for seven of the eight Plaintiffs.

G. The Peace Corps' Policies and Practices Discriminated Against Plaintiffs Based on Actual or Perceived Mental Health Disabilities

a. John Doe A

54. Plaintiff John Doe A is a 24-year-old man.

55. John Doe A currently resides in Fineview, New York. He resided in LaPort, Indiana at the time of his application to the Peace Corps and denial of medical clearance.

56. He was diagnosed with Major Depressive Disorder when he was twelve.

57. In or about September 2021, Plaintiff John Doe A applied for a Peace Corps Volunteer position. He was motivated to apply because of his desire to do his part to address the root causes of inequality in communities across the globe. He hoped to bring to the Peace Corps the knowledge he acquired as a Political Science, Philosophy, and Economics major, as well as the skills he attained working on conservation projects in rural areas.

58. On or about August 16, 2022, Plaintiff John Doe A received a formal invitation to serve in the Peace Corps as a Volunteer in the Philippines, conditioned on receiving medical clearance.

59. The Peace Corps required John Doe A to disclose his mental health condition and record of medication and participation in therapy.

60. Following his invitation, and on or about November 2, 2022, Plaintiff John Doe A submitted personal statements in which he answered a series of questions about his health. Plaintiff John Doe A was required to submit a mental health evaluation as part of the medical clearance process. The mental health professional who evaluated John Doe A stated that he was stable, well-functioning, and capable of serving in the Philippines.

61. On or about November 9, 2022, without conducting a legally compliant individualized assessment and without consideration of reasonable accommodations, the Medical Office denied his medical clearance, ignoring the findings of the mental health professional who conducted his evaluation. The Medical Office stated he was denied medical clearance because of his current diagnosis of Major Depressive Disorder, on and off moderate symptoms of depression, and symptoms that had not recurred since high school. The Peace Corps assumed without justification that his symptoms would have a “high likelihood of exacerbation or relapse in the stressful circumstances of Peace Corps service and would likely result in an undue disruption to

your service in order to provide necessary care.” This denial ignored the mental health evaluator’s opinion that over the years John Doe A had learned to manage his condition and that she had no concerns about his ability to serve in the Philippines. It also disregarded John Doe A’s self-evaluation of his capabilities.

62. The Peace Corps’ decision also failed to address or consider reasonable accommodations to resolve any disability-related concerns that the Peace Corps had.

63. Plaintiff John Doe A replied the same day, on November 9, 2022, via email, requesting an appeal. Plaintiff John Doe A timely filed a written appeal on or about December 7, 2022, within the 30-day window. Plaintiff John Doe A’s appeal included a personal statement addressing his mental health, and a mental health evaluation and treatment summary from his mental health evaluator who indicated that she believed Plaintiff John Doe A had a low risk of symptom recurrence and is a stable, well-functioning individual. In his mental health personal statement, Plaintiff John Doe A indicated that he is able to manage his symptoms of depression without taking medication and has been stable for many years.

64. The Peace Corps did not engage further with Plaintiff John Doe A or contact his evaluator.

65. On or about December 21, 2022, the Peace Corps notified Plaintiff John Doe A that his appeal had been denied for the same disability-based reasons that his clearance was denied and that his candidacy for the Peace Corps Volunteer position was being terminated. The Peace Corps’ stated reasons for John Doe A’s denial were speculative, based on unwarranted assumptions, and contrary to his and his mental health evaluator’s opinions and assessments.

66. The Peace Corps did not ask Plaintiff John Doe A about, or consider or offer, reasonable accommodations for Plaintiff John Doe A, such as telehealth appointments or an alternative assignment, prior to denying him the opportunity to serve based on disability.

67. The Peace Corps denied Plaintiff John Doe A medical clearance based on its mental health clearance criteria and screening guidelines.

68. The Peace Corps' decision was based on disability and was not supported by an individualized assessment based on reasonable judgment that relies on current medical knowledge and on objective evidence.

69. Rather, the Peace Corps unlawfully denied Plaintiff John Doe A the opportunities and benefits of its Volunteer program on the basis of disability.

70. John Doe A was qualified to perform all essential functions of his Volunteer position, with or without reasonable accommodations.

71. The Peace Corps' December 21, 2022 denial of Plaintiff John Doe A's appeal and termination of his candidacy was final agency action.

72. On December 7, 2022, Plaintiff John Doe A timely initiated the Peace Corps' administrative EEO process with a pre-complaint filing (referred to by the Peace Corps as an "informal complaint") alleging individual and class claims of disability discrimination by the Peace Corps, which he supplemented on January 11, 2023, after his final denial in December 2022.

73. On February 16, 2023, Plaintiff John Doe A timely filed a formal EEO complaint with Peace Corps, alleging individual and class claims of disability discrimination.

74. Over a year has elapsed since Plaintiff John Doe A filed his formal EEO complaint, and he has yet to receive a proposed FAD.

75. It has been 500 days since Peace Corps' final agency action, 514 days since Plaintiff John Doe A initiated the EEO process, and 443 days since Plaintiff John Doe A filed his formal EEO complaint, far beyond the 180 days the Peace Corps previously deemed reasonable for completion of this process or the 120-day period to issue a FAD in the current regulations.

76. John Doe A remains qualified for and interested in Peace Corps Volunteer service. He is still deeply committed to helping others through working on conservation efforts and agricultural projects abroad. He would still like to serve in the Peace Corps as a Volunteer, which requires that the Peace Corps revise its discriminatory mental health policies.

b. John Doe B

77. Plaintiff John Doe B is a 28-year-old man.

78. John Doe B currently resides in Gulf Breeze, Florida. He resided in Washington, D.C. at the time of his application to the Peace Corps and denial of medical clearance.

79. He was diagnosed with Bipolar Disorder when he was eighteen.

80. In or about May 2022, Plaintiff John Doe B applied for a Peace Corps Volunteer position. He was motivated to apply because he enjoyed living abroad and working with people from different countries, and hoped to continue his career in public service. He had gained a certification in teaching English as a second language while he lived abroad and was working at a federal agency, where he regularly facilitated communications between the U.S. and other countries and prepared materials that many Peace Corps Volunteers use to teach English.

81. On or about October 28, 2022, Plaintiff John Doe B received a formal invitation to serve in the Peace Corps as a Volunteer in Kyrgyzstan.

82. The Peace Corps required John Doe B to disclose his mental health condition and participation in therapy as treatment.

83. Following his selection and as a part of the medical clearance process, Plaintiff John Doe B submitted a statement in which he answered a series of questions about his health.

84. On or about November 15, 2022, without conducting a legally compliant individualized assessment and without considering reasonable accommodations, the Peace Corps Medical Office notified Plaintiff John Doe B that his medical clearance was denied. The reason given in his denial was that Plaintiff John Doe B was diagnosed with, and had been treated for, Bipolar Disorder. The Peace Corps also raised concerns about rare side effects of his medication – that he had never experienced – that it claimed would require “psychiatric monitoring.”

85. Plaintiff John Doe B replied the same day, on November 15, 2022, via email, requesting an appeal. Plaintiff John Doe B timely filed a written appeal on or about December 15, 2022, within the 30-day window. Plaintiff John Doe B’s appeal included a personal statement and was supplemented by a letter from his psychiatrist on January 12, 2023. These materials confirmed that he was fully stable, that side effects from Plaintiff John Doe B’s medication are exceptionally rare, and that Plaintiff John Doe B required no more than one medical visit every six months. Plaintiff John Doe B offered to self-finance travel to the United States to visit his doctor and obtain six months of medication refills, imposing no cost or hardship on the Peace Corps whatsoever. Plaintiff John Doe B further suggested the use of self-financed therapy online – imposing no cost on the Peace Corps – and noted that Kyrgyzstan has sufficient dependable sources of internet for this purpose.

86. The Peace Corps did not engage further with Plaintiff John Doe B or contact his evaluator.

87. On or about February 8, 2023, the Peace Corps notified Plaintiff John Doe B that his appeal had been denied for the same disability-based reasons that his clearance was denied and

that his candidacy for the Peace Corps Volunteer position was being terminated. The Peace Corps' stated reasons for John Doe B's denial were speculative, based on unwarranted assumptions, and contrary to his and his medical and mental health providers' opinions and assessments.

88. The Peace Corps did not ask Plaintiff John Doe B about, or consider or offer, reasonable accommodations for Plaintiff John B, such as telehealth appointments or an alternative assignment, prior to denying him the opportunity to serve based on disability. Nor did it consider or address his offer to self-finance periodic visits to the United States every six months.

89. The Peace Corps denied Plaintiff John Doe B medical clearance based on its mental health clearance criteria and screening guidelines.

90. The Peace Corps' decision was based on disability and was not supported by an individualized assessment based on reasonable judgment that relies on current medical knowledge and on objective evidence.

91. Rather, the Peace Corps unlawfully denied Plaintiff John Doe B the opportunities and benefits of its Volunteer program on the basis of disability.

92. Plaintiff John Doe B was qualified to perform all essential functions of his Volunteer position, with or without reasonable accommodations.

93. The Peace Corps' February 8, 2023 denial of Plaintiff John Doe B's appeal and termination of his candidacy for the Peace Corps position was final agency action.

94. On December 5, 2022, Plaintiff John Doe B timely initiated the Peace Corps' administrative EEO process with a pre-complaint filing (referred to by the Peace Corps as an "informal complaint") alleging individual and class claims of disability discrimination by the Peace Corps, which he supplemented on or around February 2023, after his final denial on or around February 8, 2023.

95. On February 16, 2023, he timely filed a formal EEO complaint with Peace Corps, alleging individual and class claims of disability discrimination.

96. Over a year has elapsed since Plaintiff John Doe B filed his formal complaint, and he has yet to receive either a ROI or proposed FAD.

97. It has been 451 days since Peace Corps' final agency action, 516 days since Plaintiff initiated the EEO process, and 443 days since Plaintiff John Doe B filed his formal EEO complaint, far beyond the 180 days the Peace Corps previously deemed reasonable for completion of this process or the 120-day period to issue a FAD in the current regulations.

98. Plaintiff John Doe B remains qualified for and interested in Peace Corps Volunteer service. He continues to work in the federal government on cross-cultural communications. He would still like to serve in the Peace Corps as a Volunteer, which requires the Peace Corps to revise its discriminatory mental health policies.

c. John Doe C

99. Plaintiff John Doe C is a 45-year-old man.

100. Plaintiff John Doe C resides in St. Louis, Missouri, where he resided at the time of his application to the Peace Corps and denial of medical clearance.

101. He was diagnosed with Generalized Anxiety Disorder, ADHD, and mild depressive episodes, and had a record of substance use disorder, which the Peace Corps required him to disclose. Plaintiff John Doe C manages his condition with therapy and medication.

102. On or about March 2023, Plaintiff John Doe C applied for a Peace Corps Volunteer position. He had already traveled abroad extensively and has both a law degree and an MBA with a concentration in healthcare. He was working in healthcare.

103. On or about March 31, 2023, Plaintiff John Doe C received a formal invitation to serve in the Peace Corps as a Volunteer in Fiji, conditioned on receiving medical clearance.

104. The Peace Corps required John Doe C to disclose his mental health condition and medication history.

105. Following his selection, on or about May 2023, Plaintiff John Doe C submitted information about his mental health diagnoses and medication history to the Peace Corps through the medical portal. During that time, he was setting up appointments with his medical and mental health providers to fill out Peace Corps' required documentation.

106. On or about June 2, 2023, without conducting a legally compliant individualized assessment or considering reasonable accommodations, and before John Doe C could submit documentation from his primary care provider and psychiatrist, the Medical Office denied his medical clearance. The reason given in his denial was Plaintiff John Doe C's medication regimen for treating Generalized Anxiety Disorder, ADHD, and mild depressive episodes, and also his record of substance use disorder, which remitted in 2016, seven years prior to his application. The denial stated that the Peace Corps could not support the combination of medications he was taking, which they said could cause adverse side effects "while serving in an austere environment."

107. The Peace Corps issued its denial based on the list of prescriptions John Doe C provided in his Health History Form, which he filled out before his conditional acceptance. Peace Corps did not wait until John Doe C could provide a mental health evaluation from his treating psychiatrist before it made its decision.

108. The Peace Corps disregarded John Doe C's own assessment of his health and his attestation that this medication regimen has helped him greatly. John Doe C noted in his messages to the Peace Corps in the medical portal that his conditions are so well maintained that he forgets

he has them. The Peace Corps' decision failed to consider or offer reasonable accommodations that could have resolved any disability-related concerns that the Peace Corps had.

109. Plaintiff John Doe C replied the same day he was notified of the denial. On June 2, 2023, he sent an email in response to his non-clearance indicating his intent to appeal the determination and explaining that his provider could prescribe him alternate medications. He also explained that, before his application, he had started the process of going off two of his medications.

110. Plaintiff John Doe C timely submitted an appeal, including a personal statement describing his ability to serve abroad that expanded upon the points made in his June 2, 2023 email. He also submitted letters from his treating psychiatrist and nurse, both of whom refuted the Peace Corps' unwarranted assertion that John Doe C's medication regimen could not be supported in service and opined that he had the coping mechanisms necessary to be successful during service. They also confirmed that John Doe C no longer took two of the medications in question and had reported no adverse consequences or increase in any symptoms from this discontinuation.

111. The Peace Corps did not engage further with Plaintiff John Doe C or contact his treating providers.

112. On or about July 21, 2023, the Peace Corps notified Plaintiff John Doe C that his appeal had been denied for the same reasons his medical clearance had been denied and that his candidacy for the Peace Corps Volunteer position was being terminated. The Peace Corps' stated reasons for John Doe A's denial were speculative, based on unwarranted assumptions, and contrary to his and his mental health evaluator's opinions and assessments.

113. The Peace Corps did not ask Plaintiff John Doe C about, or consider or offer, any reasonable accommodations, such as telehealth appointments or an alternative assignment, prior to denying him the opportunity to serve based on his disability.

114. The Peace Corps denied Plaintiff John Doe C medical clearance based on its mental health clearance criteria and screening guidelines.

115. The Peace Corps' decision was based on disability and was not supported by an individualized assessment based on reasonable judgment that relies on current medical knowledge and on objective evidence.

116. Rather, the Peace Corps unlawfully denied Plaintiff John Doe C opportunities and benefits of its Volunteer program on the basis of disability.

117. Plaintiff John Doe C was qualified to perform all essential functions of the Volunteer position, with or without reasonable accommodations.

118. The Peace Corps' July 21, 2023 denial of his appeal and notice that his candidacy for the Peace Corps position was being terminated was final agency action.

119. On August 24, 2023, he timely initiated the Peace Corps' administrative EEO process with a pre-complaint filing (referred to by the Peace Corps as an "informal complaint") alleging individual and class claims of disability discrimination by the Peace Corps.

120. On October 9, 2023, he timely filed a formal EEO complaint with Peace Corps, alleging individual and class claims of disability discrimination.

121. Nearly seven months have elapsed since Plaintiff John Doe C filed his formal EEO complaint, and he has yet to receive either a ROI or proposed FAD.

122. It has been 288 days since the Peace Corps' final agency action, 254 days since Plaintiff John Doe C initiated the EEO process, and 208 days since Plaintiff John Doe C filed his

formal EEO complaint, well beyond the 180 days the Peace Corps previously deemed reasonable for completion of this process or the 120-day period to issue a FAD in the current regulations.

123. Plaintiff John Doe C remains qualified for and interested in Peace Corps Volunteer service. He has continued to work on communications in the healthcare sector and enjoys getting involved in community projects. He would still like to serve in the Peace Corps as a Volunteer, which requires the Peace Corps to revise its discriminatory mental health policies.

d. Jane Doe A

124. Plaintiff Jane Doe A is a 35-year-old woman.

125. Jane Doe A currently resides in Greenville, North Carolina. She resided in Bentonville, Arkansas at the time of her application to the Peace Corps and denial of medical clearance.

126. She has been diagnosed with Major Depressive Disorder, Generalized Anxiety Disorder, PTSD, and Panic Disorder, which she manages with medication and therapy. Jane Doe A also has a record of a suicide attempt from almost twenty years ago when she was being bullied in high school, with no recurrence of suicidal ideation or attempts since.

127. In or about May 2022, Plaintiff Jane Doe A applied for a Peace Corps Volunteer position. She had been working as a teacher in a low-income public school for over ten years, the majority of which she spent working with kids with behavioral needs, and she ran one of the school's departments for many years. She values being a person her students can look up to and trust, and she hoped to bring her passion for teaching to students in other communities through Peace Corps service.

128. On or about September 29, 2022, Plaintiff Jane Doe A received a formal invitation to serve in the Peace Corps as a Volunteer in Mongolia, conditioned upon receiving medical clearance.

129. The Peace Corps required Jane Doe A to disclose her mental health condition and treatment.

130. Following Jane Doe A's invitation, the Peace Corps required her to answer questions about her mental health. She also submitted a letter from her mental health providers. The letters indicated that Jane Doe A's mental health providers had no concerns regarding her mental health or her ability to perform the functions of a Peace Corps Volunteer.

131. On or about November 30, 2022, without conducting a legally compliant individualized assessment and without considering reasonable accommodations, the Peace Corps Medical Office notified Jane Doe A that her medical clearance was denied. The reasons given in her denial were Jane Doe A's current mental health disability diagnoses, symptoms of these diagnoses (which were infrequent and well-managed), and unsupported speculation that her medication could have negative side effects. This denial did not take into account the mental health evaluators' findings that they had no concerns about Jane Doe A's ability to serve in Mongolia, nor did it consider Jane Doe A's self-evaluation of her capabilities.

132. The Peace Corps' decision also failed to consider or offer reasonable accommodations that could have resolved any disability-related concerns that the Peace Corps had.

133. Plaintiff Jane Doe A timely filed her appeal on or about January 7, 2023. Her appeal included an updated note from her mental health provider, two character references from current coworkers, and a personal statement. Jane Doe A's treating providers refuted the Peace Corps' assertion that Jane Doe A's symptoms were not well-managed and affirmed that Jane Doe A's

mental health was stable. They also corrected false assumptions and inaccuracies asserted by the Peace Corps regarding her mental health history and current medications.

134. The Peace Corps did not engage further with Jane Doe A or contact her treating providers.

135. On or about February 1, 2023, the Peace Corps notified Jane Doe A that her appeal had been denied for the same disability-based reasons as the original denial and that her candidacy for the Peace Corps Volunteer position was being terminated. The Peace Corps' stated reasons for Jane Doe A's denial were speculative, based on unwarranted assumptions, and contrary to her and her mental health evaluator's opinions and assessments.

136. The Peace Corps did not ask Jane Doe A about, or consider or offer, reasonable accommodations, such as telehealth appointments or an alternative assignment, prior to denying her the opportunity to serve based on disability.

137. Plaintiff Jane Doe A's ROI showed that the Peace Corps denied Jane Doe A medical clearance based on its mental health clearance criteria and screening guidelines.

138. The Peace Corps' decision was based on disability and was not supported by an individualized assessment based on reasonable judgment that relies on current medical knowledge and on objective evidence.

139. Rather, the Peace Corps unlawfully denied Jane Doe A opportunities and benefits of its Volunteer program on the basis of disability.

140. Jane Doe A was qualified to perform all essential functions of the Volunteer position, with or without reasonable accommodations.

141. The Peace Corps' February 1, 2023 denial of Plaintiff Jane Doe A's appeal and notice that her candidacy for the Peace Corps position was being terminated was final agency action.

142. On March 11, 2023, she initiated the Peace Corps' administrative EEO process with a pre-complaint filing (referred to by the Peace Corps as an "informal complaint") alleging individual and class claims of disability discrimination by the Peace Corps.

143. On April 25, 2023, Plaintiff Jane Doe A timely filed a formal EEO complaint with the Peace Corps, alleging individual and class claims of disability discrimination.

144. More than a year has elapsed since Plaintiff Jane Doe A filed her formal EEO complaint. Plaintiff Jane Doe A received her ROI on February 1, 2024, 282 days after she filed her formal complaint. She has yet to receive a proposed FAD, contrary to the Peace Corps' regulations, which require it be issued with the ROI.

145. It has been 458 days since Peace Corps' final agency action, 420 days since Plaintiff Jane Doe A initiated the EEO process, and 375 days since Plaintiff Jane Doe A filed her formal EEO complaint, far beyond the 180 days the Peace Corps previously deemed reasonable for completion of this process or the 120-day period to issue a FAD in the current regulations.

146. Plaintiff Jane Doe A remains qualified for and interested in Peace Corps Volunteer service. She has since moved and teaches in a different school district but continues to pursue her passion for improving educational outcomes for students in lower-income communities. She would still like to serve in the Peace Corps as a Volunteer, which requires the Peace Corps to revise its discriminatory mental health policies.

e. Jane Doe B

147. Plaintiff Jane Doe B is a 22-year-old woman.

148. Plaintiff Jane Doe B currently resides in Lynnwood, Washington. She resided in Providence, Rhode Island at the time of her application to the Peace Corps and denial of medical clearance.

149. She has been diagnosed with Major Depressive Disorder and ADHD, which she manages with medication and therapy.

150. In or about fall 2022, Plaintiff Jane Doe B applied for a Peace Corps Volunteer position. She had lived and studied abroad for a year before college. She has a passion for making healthcare more accessible, having written and published papers on systemic inequities both in the U.S. and abroad, and for working on children's healthcare initiatives in her local community.

151. On or about October 26, 2022, Plaintiff Jane Doe B received a formal invitation to serve as a Peace Corps Volunteer in Rwanda, conditioned upon receiving medical clearance.

152. The Peace Corps required Jane Doe B to disclose her mental health condition and treatment.

153. Following her invitation, on or about November 2022, Plaintiff Jane Doe B submitted two mental health evaluations, which she did in November 2022. Both evaluations, performed by different professionals, stated that Jane Doe B was stable and presented no concerns. She was also asked to submit personal statements answering questions about her health, which she provided promptly.

154. On or about January 24, 2023, without conducting a legally compliant individualized assessment and without considering reasonable accommodations, the Peace Corps Medical Office notified Jane Doe B that her medical clearance was denied. The reasons given in her denial were concerns regarding the prescribed dosage of her medication and speculation about rare side effects of her medication that she had never experienced. This denial ignored the mental

health evaluators' opinions that the Peace Corps should have no concerns about Jane Doe B's ability to serve in Rwanda, nor did it consider Jane Doe B's self-evaluation of her capabilities. The Peace Corps' decision failed to consider reasonable accommodations that could have resolved any disability-related concerns that the Peace Corps had.

155. Plaintiff Jane Doe B timely appealed, including a personal statement clarifying that she has experienced no side effects from her medications in the over two years since she began treatment.

156. The Peace Corps did not engage further with Jane Doe B or contact her treating providers.

157. On or about March 15, 2023, the Peace Corps notified Jane Doe B that her appeal had been denied for the same reasons her medical clearance had been denied and that her candidacy for the Peace Corps Volunteer position was being terminated. The Peace Corps' stated reasons for Jane Doe B's denial were speculative, based on unwarranted assumptions, and contrary to her and her mental health evaluator's opinions and assessments.

158. The Peace Corps did not ask Plaintiff Jane Doe B about, or consider or offer, reasonable accommodations, such as telehealth appointments or an alternative assignment, prior to denying her the opportunity to serve based on disability.

159. Plaintiff Jane Doe B's ROI showed that the Peace Corps denied Jane Doe B medical clearance based on its mental health clearance criteria and screening guidelines.

160. The Peace Corps' decision was based on disability and was not supported by an individualized assessment based on reasonable judgment that relies on current medical knowledge and on objective evidence.

161. Rather, the Peace Corps unlawfully denied Jane Doe B the opportunities and benefits of its Volunteer program on the basis of disability.

162. Jane Doe B was qualified to perform all essential functions of the Volunteer position, with or without reasonable accommodations.

163. The Peace Corps' March 15, 2023 denial of appeal and notice that her candidacy for the Peace Corps position was final agency action.

164. On April 4, 2023, she timely initiated the Peace Corps' administrative EEO process with a pre-complaint filing (referred to by the Peace Corps as an "informal complaint") alleging individual and class claims of disability discrimination by the Peace Corps.

165. On June 2, 2023, Plaintiff Jane Doe B timely filed a formal EEO complaint with the Peace Corps, alleging individual and class claims of disability discrimination.

166. Nearly a year has elapsed since Plaintiff Jane Doe B filed her formal EEO complaint. Plaintiff Jane Doe B received her ROI on February 5, 2024, 276 days after she filed her formal complaint. She has yet to receive a proposed FAD, contrary to the Peace Corps' regulations, which require it be issued with the ROI.

167. It has been 416 days since the Peace Corps' final agency action, 396 days since Plaintiff Jane Doe B initiated the EEO process, and 336 days since Plaintiff Jane Doe B filed her formal EEO complaint, far beyond the 180 days the Peace Corps previously deemed reasonable for completion of this process or the 120-day period to issue a FAD in the current regulations.

168. Plaintiff Jane Doe B remains qualified for and interested in Peace Corps Volunteer service. She has continued to pursue her passion for healthcare by enrolling in medical school. She would still like to serve in the Peace Corps as a Volunteer, which requires the Peace Corps to revise its discriminatory mental health policies.

f. Jane Doe C

169. Plaintiff Jane Doe C is a 66-year-old woman.

170. Jane Doe C resides in Allenstown, New Hampshire, where she resided at the time of her application to the Peace Corps and denial of medical clearance.

171. She was diagnosed with Persistent Depressive Disorder, PTSD, and insomnia, which she manages with medication.

172. On or about January 2023, Plaintiff Jane Doe C applied for a Peace Corps Volunteer position. She taught special education in Kenya for seven years, two of which she spent as a Peace Corps Volunteer. When she returned to the U.S., she continued to teach and work with children with intensive behavioral needs.

173. On or about January 24, 2023, Jane Doe C received a formal invitation to serve in the Peace Corps (again) as a Volunteer in Jamaica, conditioned upon receiving medical clearance.

174. The Peace Corps required Jane Doe C to disclose her mental health condition and medications.

175. Following her selection, Plaintiff Jane Doe C submitted multiple letters from treating mental health providers. These letters indicated that Jane Doe C was capable of serving in the Peace Corps and stated that Jane Doe C was experiencing no ongoing depressive symptoms.

176. On or about March 6, 2023, without conducting a legally compliant individualized assessment and without considering reasonable accommodations, the Peace Corps Medical Office notified Jane Doe C that her medical clearance was denied. The reasons given in her denial were Jane Doe C's anxiety and insomnia, and speculative concerns about her medication regimen.

177. This denial ignored the mental health evaluators' opinions that Jane Doe C could serve as a Volunteer in Jamaica, and did not consider Jane Doe C's self-evaluation of her

capabilities. The Peace Corps' decision failed to consider reasonable accommodations that could have resolved any disability-related concerns that the Peace Corps had.

178. Jane Doe C timely filed her appeal on March 11, 2023. Her appeal included a personal statement explaining that she has not experienced any episodes of anxiety or panic in the ten years she has been on her current medication regimen, despite working in high-stress environments throughout that time.

179. The Peace Corps did not engage further with Jane Doe C or contact her treating providers.

180. On or about March 29, 2023, the Peace Corps notified Jane Doe C that her appeal had been denied for the same reasons her medical clearance had been denied and that her candidacy for the Peace Corps Volunteer position was being terminated. The Peace Corps' stated reasons for John Doe C's denial were speculative, based on unwarranted assumptions, and contrary to her and her mental health evaluator's opinions and assessments.

181. The Peace Corps did not ask Jane Doe C about, or consider or offer, reasonable accommodations, such as telehealth appointments or an alternative assignment, prior to denying her the opportunity to serve based on disability.

182. The Peace Corps denied Plaintiff Jane Doe C medical clearance based on its mental health clearance criteria and screening guidelines.

183. The Peace Corps' decision was based on disability and was not supported by an individualized assessment based on reasonable judgment that relies on current medical knowledge and on objective evidence.

184. Rather, the Peace Corps unlawfully denied Jane Doe C the opportunities and benefits of its Volunteer program on the basis of disability.

185. Plaintiff Jane Doe C was qualified to perform all essential functions of the Volunteer position, with or without reasonable accommodations.

186. The Peace Corps' March 29, 2023 denial of her appeal and notice that her candidacy for the Peace Corps position was being terminated was final agency action.

187. On April 5, 2023, she timely initiated the Peace Corps' administrative EEO process with a pre-complaint filing (referred to by the Peace Corps as an "informal complaint") alleging individual and class claims of disability discrimination by the Peace Corps.

188. On July 19, 2023, Plaintiff Jane Doe C timely filed a formal EEO complaint with the Peace Corps, alleging individual and class claims of disability discrimination.

189. Nearly a year has elapsed since Plaintiff Jane Doe C filed her formal EEO complaint, and she has yet to receive either a ROI or proposed FAD.

190. It has been 402 days since Peace Corps' final agency action, 395 days since Plaintiff Jane Doe C initiated the EEO process, and 289 days since Plaintiff Jane Doe C filed her formal EEO complaint, far beyond the 180 days the Peace Corps previously deemed reasonable for completion of this process or the 120-day period to issue a FAD in the current regulations.

191. Plaintiff Jane Doe C remains qualified for and interested in Peace Corps Volunteer service. She would still like to serve in the Peace Corps as a Volunteer, which requires the Peace Corps to revise its discriminatory mental health policies.

g. Jane Doe D

192. Plaintiff Jane Doe D is a 23-year-old woman.

193. Plaintiff Jane Doe D resides in Washington, D.C., where she resided at the time of her application to the Peace Corps and denial of medical clearance.

194. She has a record of a diagnosis of Major Depressive Disorder, which had remitted years before her Peace Corps application.

195. On or about September 2021, Plaintiff Jane Doe D applied for a Peace Corps Volunteer position. Her mother had served as a Peace Corps Volunteer, which instilled in Plaintiff a desire to make a positive social impact through service. She has served as a tutor and student journalist, traveled and studied abroad, and gained fluency in Spanish in preparation for serving abroad.

196. On or about July 18, 2022, Jane Doe D received a formal invitation to serve in the Peace Corps as a Volunteer in Costa Rica, conditioned upon receiving medical clearance.

197. The Peace Corps required Jane Doe D to disclose her mental health condition.

198. Following her invitation, Jane Doe D submitted a statement from her mental health provider that her Major Depressive Disorder had remitted in 2017 and that the provider had no concerns about Jane Doe D's ability to serve in the Peace Corps.

199. On or about November 10, 2022, without conducting a legally compliant individualized assessment and without considering reasonable accommodations, the Peace Corps Medical Office notified Jane Doe D that her medical clearance was denied. The reasons given were her record of Major Depressive Disorder and that she had supposedly experienced suicidal ideation. This denial ignored the mental health evaluator's opinion that there should be no concerns about Jane Doe D's ability to serve in Costa Rica, and it did not consider Jane Doe D's self-evaluation of her current health and capabilities. The Peace Corps' decision failed to consider reasonable accommodations that could have resolved any disability-related concerns that the Peace Corps had.

200. Plaintiff Jane Doe D timely filed her appeal on December 7, 2022. Her appeal included a personal statement explaining, among other things, that her treating mental health professional believed she no longer met the diagnostic criteria for Major Depressive Disorder and that her mild symptoms were sporadic and easily managed.

201. The Peace Corps did not engage further with Jane Doe D or contact her evaluating provider.

202. On or about December 14, 2022, just a week after she submitted her appeal, the Peace Corps notified Jane Doe D that her appeal had been denied for the same reasons her medical clearance had been denied and that her candidacy for the Peace Corps Volunteer position was being terminated. The Peace Corps' stated reasons for Jane Doe D's denial were speculative, based on unwarranted assumptions, and contrary to her and her mental health evaluator's assessments.

203. The Peace Corps did not ask Jane Doe D about, consider or offer, reasonable accommodations, such as telehealth appointments or an alternative assignment, prior to denying her the opportunity to serve based on disability.

204. The Peace Corps denied Plaintiff Jane Doe D medical clearance based on its mental health clearance criteria and screening guidelines.

205. The Peace Corps' decision was based on disability and was not supported by an individualized assessment based on reasonable judgment that relies on current medical knowledge and on objective evidence.

206. Rather, the Peace Corps unlawfully denied Jane Doe D the opportunities and benefits of its Volunteer program on the basis of disability.

207. Plaintiff Jane Doe D was qualified to perform all essential functions of the Volunteer position, with or without reasonable accommodations.

208. The Peace Corps' December 14, 2022 denial of her appeal and notice that her candidacy for the Peace Corps position was being terminated was final agency action.

209. On December 7, 2022, she timely initiated the Peace Corps' administrative EEO process with a pre-complaint filing (referred to by the Peace Corps as an "informal complaint") alleging individual and class claims of disability discrimination by the Peace Corps.

210. On February 16, 2023, Plaintiff Jane Doe D timely filed a formal EEO complaint with Peace Corps, alleging individual and class claims of disability discrimination.

211. Over a year has elapsed since Plaintiff Jane Doe D filed her formal EEO complaint, and she has yet to receive either a ROI or proposed FAD.

212. It has been 507 days since Peace Corps' final agency action, 514 days since Plaintiff Jane Doe D initiated the EEO process, and 443 days since Plaintiff Jane Doe D filed her formal EEO complaint, far beyond the 180 days the Peace Corps previously deemed reasonable for completion of this process or the 120-day period to issue a FAD in the current regulations.

213. Plaintiff Jane Doe D remains qualified for and interested in Peace Corps Volunteer service. She would still like to serve in the Peace Corps as a Volunteer, which requires the Peace Corps to revise its discriminatory mental health policies.

h. Jane Doe E

214. Plaintiff Jane Doe E is a 45-year-old woman.

215. Plaintiff Jane Doe E currently resides in Memphis, Tennessee. She resided in Worcester, Massachusetts at the time of her application to the Peace Corps and denial of medical clearance.

216. She was diagnosed with Adjustment Disorder by her therapist, who she began seeing to address her grief after the loss of her mother. She has not participated in talk therapy since 2017.

217. In or about October 2016, Plaintiff Jane Doe E applied for a Peace Corps Response Volunteer¹⁰ position with the 2017 Global Health Services Partnership, a global health project that the Peace Corps created in partnership with the non-profit Seed Global Health. She previously served as a Peace Corps Volunteer in the Philippines and holds degrees in nursing and public health. She also has healthcare experience in the U.S. – through her work as a nurse practitioner for lower-income communities in the U.S., and abroad, through her work with non-profits supporting public health programs in Southeast Asia.

218. On or about October 2016, Jane Doe E received a formal invitation to serve as a Peace Corps Response Volunteer, conditioned on receiving medical clearance.

219. During the medical clearance process, Jane Doe E disclosed her mental health condition and participation in therapy to the Peace Corps.

220. Following her invitation, Plaintiff Jane Doe E provided the Peace Corps with extensive documentation, including a personal statement and a mental health evaluation from her mental health provider. Her provider stated that Jane Doe E’s diagnosis of Adjustment Disorder was a “normative grief reaction to the loss of a parent” and had been resolved. She indicated that

¹⁰ Peace Corps Response Volunteers serve in-country for 3-12 months, a shorter period than the 27-month service period for Peace Corps Volunteers. Peace Corps Response Volunteers are typically professionals and/or returned Peace Corps Volunteers with advanced degrees and specialized certifications. *Peace Corps Response*, Peace Corps, <https://www.peacecorps.gov/volunteer/peace-corps-response/> (last accessed Apr. 24, 2024).

Jane Doe E had no mental health symptoms at the time of her application, and that the provider had no concerns about Jane Doe E's ability to serve in the Peace Corps.

221. On or about March 16, 2017, without conducting a legally compliant individualized assessment and without considering reasonable accommodations, the Peace Corps Medical Office notified Jane Doe E that her medical clearance was denied. The reasons given were her supposed ongoing mental health symptoms and current engagement in talk therapy. The Peace Corps stated that Jane Doe E would need to establish a significant period of time without the "need" for talk therapy. This denial ignored the mental health evaluator's opinion that there should be no concerns about Jane Doe E's ability to serve in the Peace Corps, and it did not consider Jane Doe E's self-evaluation of her current health and capabilities. The Peace Corps' decision also failed to address or consider any reasonable accommodations that could have resolved any disability-related concerns that the Peace Corps had.

222. Plaintiff Jane Doe E timely filed her appeal on or about April 6, 2017. Her appeal included an additional personal statement stating that her decision to engage in therapy should not be used against her, and rather, should be viewed as a strength. The appeal also included a letter of support from her immediate supervisor at work, a medical doctor who highlighted Jane Doe E's ability to consistently exhibit grace under pressure, and a letter from her mental health provider, refuting the Peace Corps' assertion that Jane Doe E needed to have ceased therapy for a period of time before she could serve as a Peace Corps Volunteer.

223. The Peace Corps did not engage further with Jane Doe E or contact her treating provider.

224. On or about April 20, 2017, the Peace Corps notified Jane Doe E that her appeal had been denied for the same reasons her medical clearance had been denied and that her candidacy

for the Peace Corps Response Volunteer position was being terminated. The Peace Corps' stated reasons for Jane Doe E's denial were speculative, based on unwarranted assumptions, and contrary to her and her mental health evaluator's opinions and assessments.

225. The Peace Corps did not ask Jane Doe E about, or consider or offer, reasonable accommodations, such as telehealth appointments or an alternative assignment, prior to denying her the opportunity to serve based on disability.

226. Plaintiff Jane Doe E's ROI showed that the Peace Corps denied her medical clearance based on its mental health clearance criteria and screening guidelines.

227. The Peace Corps' decision was based on disability and was not supported by an individualized assessment based on reasonable judgment that relies on current medical knowledge and on objective evidence.

228. Rather, the Peace Corps unlawfully denied Jane Doe E the opportunities and benefits of its Volunteer program based upon her mental health history.

229. Plaintiff Jane Doe E was qualified to perform all essential functions of the Response Volunteer position, with or without reasonable accommodations.

230. The Peace Corps' April 20, 2017 denial of her appeal and notice that her candidacy for the Peace Corps position was being terminated was final agency action.

231. On or about April 25, 2017, she initiated the Peace Corps' administrative EEO process with a pre-complaint filing (referred to by the Peace Corps as an "informal complaint") alleging individual claims of disability discrimination.

232. On or about June 19, 2017, Plaintiff Jane Doe E timely filed a formal EEO complaint with Peace Corps, alleging individual claims of disability discrimination.

233. On or about August 29, 2018, Plaintiff Jane Doe E received her FAD from the Peace Corps denying her complaint and upholding the decision to deny her medical clearance.

234. Plaintiff Jane Doe E remains qualified for and interested in Peace Corps Volunteer service. She has continued to pursue a career in public health, working on humanitarian efforts in South Asia and serving as a nurse practitioner for lower-income communities in the U.S. She would still like to serve in the Peace Corps as a Response Volunteer, which requires the Peace Corps to revise its discriminatory mental health policies.

H. The Peace Corps Has Discriminated Against Other Invitees in the Same Way as the Plaintiffs, Evidencing that the Peace Corps' Medical Clearance Criteria and Screening Guidelines Are Rigidly Applied and Function as Rules

235. Numerous other Invitees experienced the same type of discrimination as the Plaintiffs.

236. In recent years, dozens of Invitees other than the Plaintiffs have been denied medical clearances based on their mental health conditions and/or treatment. In general, their diagnoses were generalized anxiety, depression, Obsessive Compulsive Disorder (OCD), Bipolar disorder, and/or ADHD. A large number were denied because they took medications that the Peace Corps stated it could not support in service, despite the Invitees having taken these medications for long periods with no adverse effects. Some were denied because they participated in talk therapy.

237. The experiences of some of these Invitees are described below and confirm that the Peace Corps' discriminatory medical clearance criteria and screening guidelines are substantive or *de facto* rules under the APA, implemented as written without the exercise of discretion.

238. They also confirm the rigidity of the Peace Corps' position on its mental health clearance criteria and screening guidelines and thus the futility of appealing medical clearance

denials and/or using the EEO process to challenge them. Every Plaintiff and Invitee described in this Complaint was denied medical clearance based on the Peace Corps' written medical clearance criteria and screening guidelines. All of them timely appealed their denial and all of their appeals were denied on the exact same basis as their medical clearance was denied, resulting in their invitations to serve in the Peace Corps being revoked.

a. Invitee A

239. On or about March 2022, Invitee A was invited to serve in a Peace Corps Volunteer position in Madagascar.

240. Invitee A had General Anxiety Disorder, a diagnosis she received when she was in high school, and had a record of an eating disorder and Major Depressive Disorder, both of which had been in remission for many years.

241. Invitee A was qualified for the position for which she had been selected and could have performed all essential functions of the position, with or without reasonable accommodations.

242. Following Invitee A's invitation, the Peace Corps requested medical information from her, which she provided.

243. On or around January 18, 2023, the Peace Corps Medical Office notified Invitee A that her medical clearance was denied. The reason given was her diagnosis of Generalized Anxiety Disorder and past record of an eating disorder, depression, and insomnia, as well as her discontinuation of an insomnia medication.

244. On or around February 2023, Invitee A timely submitted her appeal. Her appeal included a personal statement; five letters of support from employers and co-workers, all of whom stated that her mental health has never impacted her ability to fulfill challenging responsibilities; and a letter from her therapist. Her therapist's letter refuted the reasons Peace Corps gave for

denying Invitee A's medical clearance. It stated that Invitee A has been doing well without her insomnia medication and that she would be successful as a Peace Corps Volunteer.

245. Around March 2023, the Peace Corps notified Invitee A that her appeal had been denied for the same reasons her medical clearance had been denied and that her candidacy for the Peace Corps Volunteer position was being terminated.

246. The Peace Corps' decision was not supported by an individualized assessment based on reasonable judgment that relies on current medical knowledge and objective evidence.

247. The Peace Corps improperly denied Invitee A medical clearance based on its mental health clearance criteria and screening guidelines.

b. Invitee B

248. On or about August 2022, Invitee B was invited to serve in a Peace Corps Volunteer position in Guatemala.

249. Invitee B had a record of a ten-day hospitalization for grief-induced depression and anxiety when she was sixteen years old, following the passing of her father, and short periods of therapy post-hospitalization and while she was in college during the COVID-19 pandemic. She also had a record of trauma and stressor-related disorder, a term used by mental health professionals to describe people who have childhood traumatic experiences.

250. Invitee B was qualified for the position for which she had been selected and could have performed all essential functions of the position, with or without reasonable accommodations.

251. Following Invitee B's invitation, the Peace Corps requested medical information from her, which she provided.

252. On or around December 8, 2022, the Peace Corps Medical Office notified Invitee B that her medical clearance was denied. The reasons given were her diagnosis of trauma and

stressor related disorder, hospitalization when she was sixteen years old, and record of grief-induced depression and anxiety from years prior.

253. On or around January 4, 2023, Invitee B timely submitted her appeal. Her appeal included a personal statement and letters from friends, professors, mentors, and her therapist. Her personal statement described how the short period of hospitalization was a normal response to her loss at such a young age. It emphasized that she had no ongoing symptoms and her therapist had no concerns.

254. On or around January 7, 2023, the Peace Corps denied her appeal for the same reasons her medical clearance had been denied and that her candidacy for the Peace Corps Volunteer position was being terminated.

255. The Peace Corps' decision was not supported by an individualized assessment based on reasonable judgment that relies on current medical knowledge and objective evidence.

256. The Peace Corps improperly denied Invitee B medical clearance based on its mental health clearance criteria and screening guidelines.

c. Invitee C

257. On or about January 18, 2023, Invitee C was invited to serve in a Peace Corps Volunteer position in Mexico.

258. Invitee C had Generalized Anxiety Disorder and Major Depressive Disorder, mild, for which she was taking prescription medication and attending therapy.

259. Invitee C was qualified for the position for which she had been selected and could perform all essential functions of the position, with or without reasonable accommodations.

260. Following Invitee C's invitation, the Peace Corps required her to submit a mental health evaluation. The evaluation, performed by her therapist, indicated no concerns about Invitee

C's mental health or her ability to perform the functions of a Peace Corps Volunteer. Invitee C was also asked to submit personal statements answering questions about her health, which she provided promptly.

261. On or about March 1, 2023, the Peace Corps Medical Office notified Invitee C that her medical clearance was denied. The reasons given in her denial were her mental health diagnoses and speculative concerns about symptoms.

262. Invitee C timely filed her appeal on or around March 31, 2023. Her appeal included a personal statement in which she explained again that her mental health was stable and corrected false assumptions and inaccuracies regarding her mental health history, current symptoms, and ability to adapt to a new environment.

263. On or about April 5, 2023, the Peace Corps notified Invitee C that her appeal had been denied for the same reasons her medical clearance had been denied and that her candidacy for the Peace Corps Volunteer position was being terminated.

264. The Peace Corps' decision was not supported by an individualized assessment based on reasonable judgment that relies on current medical knowledge and objective evidence.

265. The Peace Corps improperly denied Invitee C medical clearance based on its mental health clearance criteria and screening guidelines.

d. Invitee D

266. In February 2020, Invitee D was invited to serve in a Peace Corps Volunteer position in North Macedonia.

267. Invitee D had Major Depressive Disorder and General Anxiety Disorder, for which she was taking prescription medications.

268. Invitee D was qualified for the position for which she had been selected and could have performed all essential functions of the position, with or without reasonable accommodations.

269. On February 20, 2020, following Invitee D's invitation, the Peace Corps requested medical information from her, which she provided.

270. On February 25, 2020, the Peace Corps Medical Office notified Invitee D that her medical clearance was denied. The reasons given were her prescribed mental health medications, that she was currently engaged in treatment for her disabilities, and that Peace Corps service would exacerbate her mental health condition.

271. On February 27, 2020, Invitee D wrote an email to the Peace Corps Medical Office explaining that her mental health condition and treatment would not inhibit her ability to serve in North Macedonia, where she was set to move. She explained that her health care providers offered to continue treating her remotely and that she had located private pharmacies and delivery services in Skopje, near the Peace Corps Headquarters in North Macedonia, that would allow her to receive her medications. Additionally, Invitee E described her experience successfully spending extensive time in Syria, Lebanon, and Peru under austere conditions, despite her mental health conditions.

272. Invitee D timely submitted an appeal on March 28, 2020, within the 30-day window. Invitee D's appeal included a personal statement describing her ability to serve abroad and reiterating her successful experiences abroad. Invitee D again presented the Peace Corps with information on telehealth and on private pharmacies near the Peace Corps Headquarters in North Macedonia, including delivery services, which would allow her to obtain her prescriptions.

273. On or about April 18, 2020, Invitee D informed the Medical Office that she was completing her treatment and that she planned to discontinue her medication with her providers' approval.

274. On or about August 5, 2020, the Peace Corps notified Invitee D that her appeal had been denied for the same reasons her medical clearance had been denied and that her candidacy for the Peace Corps Volunteer position was being terminated.

275. The Peace Corps' decision was not supported by an individualized assessment based on reasonable judgment that relies on current medical knowledge and objective evidence.

276. The Peace Corps improperly denied Invitee D medical clearance based on its mental health clearance criteria and screening guidelines.

e. Invitee E

277. On or about February 13, 2023, Invitee E was invited to serve in a Peace Corps Volunteer position in Costa Rica.

278. Invitee E had Major Depressive Disorder, which he previously managed with therapy and medication.

279. Invitee E was qualified for the position for which he had been selected and could perform all essential functions of the position, with or without reasonable accommodations.

280. Following Invitee E's invitation, the Peace Corps required him to submit a mental health evaluation. The evaluation, performed by his former therapist, indicated no concerns about Invitee E's mental health and stated that he did not need further treatment. His primary care physician also filled out a form indicating that his depression symptoms were under control and that because of this, Invitee E would no longer take medication.

281. On or about May 8, 2023, the Peace Corps Medical Office notified Invitee E that his medical clearance was denied. The sole reasons given were his recent discontinuation of medication for depression and speculation that his depressive symptoms could return during service.

282. Invitee E timely filed his appeal on or around May 8, 2023. His appeal included a personal statement explaining that his depressive symptoms were so well-managed that he had been in the process of tapering his medication and reducing his therapy sessions for months. He also stated that the work he had done on his mental health should be viewed as a strength.

283. On or about May 17, 2023, the Peace Corps notified Invitee E that his appeal had been denied for the same reasons his medical clearance had been denied and that his candidacy for the Peace Corps Volunteer position was being terminated.

284. The Peace Corps' decision was not supported by an individualized assessment based on reasonable judgment that relies on current medical knowledge and objective evidence.

285. The Peace Corps improperly denied Invitee E medical clearance based on its mental health clearance criteria and screening guidelines.

I. Plaintiffs' Further Exhaustion of Administrative Remedies Would Be Futile

286. All Plaintiffs and Invitees described above submitted extensive documentation to the Peace Corps, demonstrating that they can serve as Volunteers. All of their medical providers stated in evaluation forms and letters that they can serve as Peace Corps Volunteers, providing information about their current mental health.

287. When Invitees disclose a mental health condition, this triggers the use of mental health clearance criteria and screening guidelines by the Peace Corps Medical Office staff to determine whether an Invitee can be medically cleared.

288. As discussed above, the criteria and guidelines reflect outdated and unwarranted assumptions about mental health conditions and treatment.

289. They include so many exclusionary criteria that it is extremely difficult for an Invitee with a current mental health condition or a record of a past mental health diagnosis or

treatment to obtain medical clearance from the Peace Corps. This is true no matter how many supportive evaluations, statements, and letters from medical and mental health providers the Invitee provides and despite the Invitee's own assessment of their health and abilities.

290. These criteria and guidelines, and the manner in which the Peace Corps has applied them, evidence a strong and unwavering position that the Peace Corps will not grant medical clearances to Invitees with mental health conditions or histories that fall within any of these broad exclusionary criteria. The Peace Corps' mental health medical clearance criteria and screening guidelines are discriminatory – excluding most Invitees with mental health disabilities – and so long as the Peace Corps continues to use these mental health criteria and guidelines in its medical clearance process, Invitees with actual or perceived mental health conditions like Plaintiffs will continue to be denied medical clearances.

291. That the Peace Corps systematically denies medical clearances to Invitees with mental health conditions is clear not only from the written criteria and guidelines it uses, but also from the sheer number of Invitees' with mental health conditions denied clearance on this basis. Not only have the eight Plaintiffs been denied because of their actual or perceived mental health disability, but dozens of others have as well, despite support from their medical providers and evaluators. Their appeals were denied based on the medical clearance criteria and screening guidelines. The text of the denial letters are similar, and reflect and rely on the medical clearance criteria and screening guidelines.

292. The over thirty individuals improperly denied medical clearances based on mental health conditions of which Plaintiffs are aware only scratch the surface of the number of Invitees denied medical clearances by the Peace Corps because of these discriminatory policies and practices.

293. The Peace Corps has adopted substantive or *de facto* rules that exclude most Invitees with mental health conditions, and medical clearance decisions are routinely based on those rules. Appeals and the EEO process will not change this, for any one Plaintiff or for Invitees in general. Waiting until the Peace Corps issues a long-overdue FAD before a Plaintiff can pursue their disability-related claims in court – which could be months or years from now – would be futile.

J. The Peace Corps Unlawfully Withheld or Unreasonably Delayed Issuing Final Agency Decisions to Plaintiffs

294. The Peace Corps also has unlawfully withheld or unreasonably delayed issuing Plaintiffs John Doe A, John Doe B, John Doe C, Jane Doe A, Jane Doe B, Jane Doe C, and Jane Doe D their FADs.

295. These plaintiffs attempted to exhaust available administrative remedies before filing this Complaint. Plaintiffs have timely appealed their medical clearance denials and timely filed administrative pre-complaints and formal EEO complaints with the Peace Corps. They have responded to every request the Peace Corps has made of them during this administrative process. Despite their compliance, and despite the Peace Corps' regulations which state that an ROI and proposed FAD will be issued to complainants together and (unless the Peace Corps unilaterally determines it infeasible) within 120 days of the filing of a formal complaint, they have yet to receive proposed FADs. In addition, all have been waiting for FADs for well over 180 days since filing a formal EEO complaint. Several have waited well over a year to receive their FADs.

296. The Peace Corps has taken an unreasonable amount of time before issuing FADs to these Plaintiffs.

297. Plaintiffs have suffered a variety of harms from these delays, including, putting their professional lives on hold, having to make major life decisions before this process is resolved,

loss of employment and other opportunities, embarrassment, and incurring financial harms. Moreover, the Peace Corps has designed and operates the administrative EEO process in a way that is intended to and has the effect of delaying or denying them the right to judicial review of the Peace Corps' discriminatory actions.

FIRST CLAIM FOR RELIEF

Violation of Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794(a)

Disability Discrimination

(By Plaintiffs John Doe A, John Doe B, John Doe C, Jane Doe A, Jane Doe B, Jane Doe C, and Jane Doe D)

298. Plaintiffs allege and incorporate by reference the allegations in the preceding paragraphs as if set forth fully herein.

299. The Peace Corps is an independent agency within the executive branch of the United States government and is federally funded. 22 U.S.C. § 2501-1. Accordingly, the Peace Corps is subject to Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794(a).

300. Plaintiffs are all individuals with a disability within the meaning of the Rehabilitation Act. 29 U.S.C. § 705(20); *see also* 42 U.S.C. § 12102. The Rehabilitation Act defines a person with a disability as any person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment. *Id.*

301. Section 504 of the Rehabilitation Act prohibits, *inter alia*, Executive Agencies and recipients of federal funding from discriminating against any qualified individual with a disability, excluding them from participation in, or denying them the benefits of any program or activity receiving federal funding or conducted by the Executive Agency, because of disability. 29 U.S.C. § 794(a).

302. In addition to these prohibitions, covered entities must take certain steps to avoid discrimination on the basis of disability. For example, covered entities are required to provide reasonable accommodations when necessary to avoid discrimination on the basis of disability, unless the entity can demonstrate that the modifications would fundamentally alter the nature of the program or activity. *See Sch. Bd. of Nassau Cnty. v. Arline*, 480 U.S. 273 (1987).

303. For years, the Peace Corps has violated Section 504 of the Rehabilitation Act by unlawfully denying medical clearance to Invitees on the basis of an actual or perceived mental health disability, and/or a record of such disability. *Inter alia*, the Peace Corps has maintained a pattern, practice, and/or policy of:

- a. unlawfully denying Invitees with actual or perceived mental health disabilities access to and the benefits of the Peace Corps' Volunteer program based on disability;
- b. failing to conduct legally compliant individualized assessments of Invitees with actual or perceived mental health disabilities based on reasonable judgment that relies on current medical knowledge and on objective evidence;
- c. denying Invitees with actual or perceived mental health disabilities, and/or a record of such disability, opportunities to participate in and benefit from its Volunteer program based on speculation and unwarranted assumptions or generalizations regarding their mental health conditions, symptoms, and/or treatment;
- d. failing to consider, offer, or provide reasonable accommodations before denying positions to Invitees based on a mental health disability; and

- e. utilizing criteria or methods of administering its Volunteer program and medical clearance process that have the effect of subjecting qualified Invitees with mental health conditions to discrimination on the basis of disability.

304. Plaintiffs John Doe A, John Doe B, John Doe C, Jane Doe A, Jane Doe B, Jane Doe C, and Jane Doe D are each qualified to perform all essential functions of their Volunteer position, with or without reasonable accommodations.

305. Each of these Plaintiffs has been and continues to be harmed by the Peace Corps' discriminatory medical clearance policies and practices.

306. Each of these Plaintiffs has exhausted the Peace Corps' medical clearance appeal and EEO administrative procedures and/or no exhaustion is required, including because any further pursuit of administrative process would be futile.

307. Plaintiffs do not have an adequate remedy at law to redress the violations alleged herein, and therefore seek injunctive relief restraining the Peace Corps from continuing to engage in the unlawful policies and practices alleged herein.

308. Pursuant to the remedies, procedures, and rights set forth in 29 U.S.C. § 794(a), Plaintiffs John Doe A, John Doe B, John Doe C, Jane Doe A, Jane Doe B, Jane Doe C, and Jane Doe D pray for judgment as set forth below.

SECOND CLAIM FOR RELIEF

Violation of the Administrative Procedure Act, 5 U.S.C. § 551

Disability Discrimination

(By All Plaintiffs)

309. Plaintiffs allege and incorporate by reference the allegations in the preceding paragraphs as if set forth fully herein.

310. The Peace Corps is an agency as defined by the APA. 5 U.S.C. § 551(1).

311. The Peace Corps denied medical clearances to all Plaintiffs and denied their timely appeals. The Peace Corps subsequently revoked their offers to serve in the Volunteer program based on these denials. This represents final agency action for which there is no other adequate remedy in a court.

312. The Peace Corps' denial of medical clearances to Plaintiffs constitute "orders" under the APA. "Order" is defined in the APA as "the whole or part of a final disposition, whether affirmative, negative, injunctive, or declaratory in form, of an agency in a matter other than rule making but including licensing." 5 U.S.C. § 551(6).

313. "[A]gency action" is defined in the APA as including "the whole or a part of an agency rule, order, . . . or the equivalent or denial thereof, or failure to act." 5 U.S.C. § 551(13).

314. Because the Peace Corps' denial of medical clearances to Plaintiffs constitute "orders" under the APA, they are agency actions subject to judicial review. 5 U.S.C. § 704.

315. In the alternative, the Peace Corps' refusal to issue FADs to seven of the Plaintiffs constitutes a constructive denial or failure to act subject to judicial review.¹¹ 5 U.S.C. § 704.

316. For years, the Peace Corps has denied medical clearances in violation of Section 504 of the Rehabilitation Act, including, but not limited to, by maintaining a pattern, practice, and/or policy of:

¹¹ The Peace Corps cannot "preclude judicial review by casting its decision in the form of inaction rather than in the form of an order denying relief." *Env't Def. Fund, Inc. v. Hardin*, 428 F.2d 1093, 1099 (D.C. Cir. 1970).

- a. unlawfully denying Invitees with actual or perceived mental health disabilities access to and the benefits of the Peace Corps' Volunteer program based on disability;
- b. failing to conduct legally compliant individualized assessments of Invitees with actual or perceived mental health disabilities based on reasonable judgment that relies on current medical knowledge and on objective evidence;
- c. denying Invitees with actual or perceived mental health disabilities, and/or a record of such disability, opportunities to participate in and benefit from its Volunteer program based on speculation and unwarranted assumptions or generalizations regarding their mental health conditions, symptoms, and/or treatment;
- d. failing to consider, offer, or provide reasonable accommodations before denying positions to Invitees based on a mental health disability; and
- e. utilizing criteria or methods of administering its Volunteer program and medical clearance process that have the effect of subjecting qualified Invitees with mental health conditions to discrimination on the basis of disability.

317. Under the APA, a court must “hold unlawful and set aside agency action, findings, and conclusions found to be (a) arbitrary, capricious, and abuse of discretion, or otherwise not in accordance with law; . . . [or] (c) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right.” 5 U.S.C. § 706(2).

318. The Peace Corps' denial of medical clearances in violation of Section 504 of the Rehabilitation Act violates the APA, because these denials are not in accordance with law and short of the rights afforded to Plaintiffs under the Rehabilitation Act.

319. The Peace Corps' pattern, practice, and/or policies of denying medical clearance to Invitees in violation of Section 504 of the Rehabilitation Act are also arbitrary, capricious, an abuse of discretion, and in excess of the Peace Corps' statutory authority.

320. Plaintiffs are each qualified to perform all essential functions of their Volunteer position, with or without reasonable accommodations.

321. Plaintiffs have been harmed as a result of the Peace Corps' discriminatory medical clearance policies and practices, including being denied the opportunity to serve in and enjoy the benefits of the Peace Corps Volunteer program.

322. Each of the Plaintiffs has exhausted the Peace Corps' medical clearance appeal and EEO administrative procedures and/or no further exhaustion is required, including because any further exhaustion would be futile.

323. The Peace Corps' medical clearance criteria and screening guidelines evidence a strong stand on denying medical clearances to Invitees with mental health conditions and/or a record of mental health treatment. *See Hall v. Sebelius*, 689 F. Supp. 2d 10, 23-24 (D.D.C. 2009). Plaintiffs have pursued appeals of their medical clearances, as well as filed informal and formal administrative EEO complaints, with no success. Numerous other Invitees with mental health disabilities have also tried to appeal their denials of medical clearances, to no avail. The Peace Corps' stated position and course of conduct establishes that the Peace Corps has decided to deny Plaintiffs' appeals and that the pursuit of further administrative remedies is futile. *Hall*, 689 F. Supp. 2d at 4.

324. Plaintiffs do not have an adequate remedy at law to redress the violations alleged herein, and therefore seek injunctive relief restraining the Peace Corps from continuing to engage in the unlawful policies and practices alleged herein.

325. Pursuant to the remedies, procedures, and rights set forth in 5 U.S.C. § 551, Plaintiffs pray for judgment as set forth below.

THIRD CLAIM FOR RELIEF

Violation of the Administrative Procedure Act, 5 U.S.C. § 551

Substantive or *De Facto* Rule in Violation of APA

(By All Plaintiffs)

326. Plaintiffs allege and incorporate by reference the allegations in the preceding paragraphs as if set forth fully herein.

327. The Peace Corps' medical clearance criteria and screening guidelines constitute a substantive rule for purposes of the APA, or in the alternative, operate as a *de facto* rule, in that they are a statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy.

328. The Peace Corps' mental health clearance criteria and screening guidelines were issued in their current form or substantively revised within the past six years. As they are internal Peace Corps documents, Plaintiffs had no way of knowing about, commenting on, or challenging these rules prior to engaging in the Peace Corps' administrative EEO complaint process following the denial of their medical clearances and appeals.

329. As a practical matter, the Peace Corps treats its medical clearance criteria and screening guidelines as having the force and effect of law.

330. The Peace Corps' medical clearance criteria and screening guidelines are invalid because they were promulgated without complying with the notice-and-comment provisions of the APA.

331. The Peace Corps' substantive or *de facto* rule is arbitrary and capricious because it constitutes a change in agency policy without any recognition of the change or reasoned explanation for the change, in violation of the APA.

332. The Peace Corps' substantive or *de facto* rule is arbitrary and capricious and contrary to law because it discriminates on the basis of disability in violation of Section 504 of the Rehabilitation Act.

333. The Peace Corps' substantive or *de facto* rule violates the APA and has harmed and continues to harm Plaintiffs.

334. Plaintiffs do not have an adequate remedy at law to redress the violations alleged herein, and therefore seek injunctive relief.

335. Pursuant to the remedies, procedures, and rights set forth in 5 U.S.C. § 551, Plaintiffs pray for judgment as set forth below.

FOURTH CLAIM FOR RELIEF

Violation of the Administrative Procedure Act, 5 U.S.C. § 551

Agency Action Unlawfully Withheld or Unreasonably Delayed in Violation of APA

(By All Plaintiffs Except Jane Doe E)

336. Plaintiffs allege and incorporate by reference the allegations in the preceding paragraphs as if stated fully herein.

337. In the alternative, if Plaintiffs' administrative complaints were not actually or constructively denied under the APA pending issuance of their FADs, the Peace Corps has unlawfully withheld or unreasonably delayed issuing FADs to Plaintiffs.

338. The APA requires an agency to conclude a matter presented to it “within a reasonable time.” 5 U.S.C. § 555(b). The APA also provides that “a reviewing court shall . . . compel agency action unlawfully withheld or unreasonably delayed. 5 U.S.C. § 706(1).

339. The Peace Corps’ regulations provide that the agency is supposed to complete and send a proposed FAD to complainants within 120 days of the formal complaint being filed (unless the Peace Corps unilaterally, and without notice or reasonable cause, determines compliance is infeasible).

340. Plaintiffs timely filed informal and formal EEO complaints with the Peace Corps.

341. Plaintiffs have been waiting well beyond 120 days from when they filed their formal complaints to receive their FADs from the Peace Corps.

342. Peace Corps regulations previously provided that its decision was final and appealable in federal court after 180 days if no FAD had been issued. Plaintiffs have been waiting well beyond 180 days from when they filed their formal complaints to receive their FADS from the Peace Corps.

343. The Peace Corps’ failure to issue Plaintiffs’ their FADs harms Plaintiffs.

344. In the alternative, if Plaintiffs’ administrative complaints were not actually or constructively denied under the APA pending issuance of their FADs, the Court should compel the Peace Corps to issue them, since the Peace Corps has unlawfully withheld or unreasonably delayed issuing Plaintiffs’ FADs.

345. Pursuant to the remedies, procedures, and rights set forth in 5 U.S.C. § 551 *et seq.*, Plaintiffs pray for judgment as set forth below.

PRAYER FOR RELIEF

346. Pursuant to the remedies, procedures, and rights set forth in 29 U.S.C. § 794(a) and 5 U.S.C. § 551, Plaintiffs pray for judgment as set forth below.

WHEREFORE, Plaintiffs pray for relief as follows:

- A. Declaratory relief that the Peace Corps' policies and practices in administering medical clearances for Invitees with mental health conditions or a record of such conditions violate Section 504 of the Rehabilitation Act and the APA;
- B. Injunctive relief to ensure the Peace Corps' compliance with the Rehabilitation Act and the APA in administering medical clearances for Invitees with mental health conditions or a record of such conditions, to the extent medical clearances are necessary;
- C. An opportunity for Plaintiffs to have their offers reinstated and/or medical clearances reconsidered based on a nondiscriminatory evaluation of their current mental health condition and abilities;
- D. Declare invalid under the APA and enjoin the Peace Corps from applying its current medical clearance criteria and screening guidelines for mental health conditions;
- E. Compel the Peace Corps to promptly issue FADs to John Does A, B, and C, and Jane Does A, B, C, and D;
- F. Order the Peace Corps to pay Plaintiffs' attorneys' fees and legal costs; and
- G. For such other and further relief, in law or equity, as this Court may deem appropriate and just.

By: /s/ Bryan Schwartz

DATED: May 3, 2024

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