

Eric Croft (Alaska Bar No. 9406031)
THE CROFT LAW OFFICE
738 H Street
Anchorage, AK 99501
T: 907-272-3508 | F: 907-274-0146
eric@croftlawoffice.com

Peter C. Renn (admitted *pro hac vice*)
LAMBDA LEGAL DEFENSE AND EDUCATION FUND, INC.
4221 Wilshire Boulevard, Ste. 280
Los Angeles, CA 90010
T: 213-382-7600 | F: 213-351-6050
prens@lambdalegal.org

Tara L. Borelli (admitted *pro hac vice*)
Meredith Taylor Brown (admitted *pro hac vice*)
LAMBDA LEGAL DEFENSE AND EDUCATION FUND, INC.
730 Peachtree St. NE, Ste. 640
Atlanta, GA 30308
T: 470-225-5341 | F: 404-897-1884
tborelli@lambdalegal.org, tbrown@lambdalegal.org

Attorneys for Plaintiff Jennifer Fletcher

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

Jennifer Fletcher,

Plaintiff,

vs.

State of Alaska,

Defendant.

Case No. 1:18-cv-00007-HRH

**DECLARATION OF JENNIFER FLETCHER IN SUPPORT OF MOTION FOR
PARTIAL SUMMARY JUDGMENT**

1. I am a plaintiff in the above-captioned action. I have actual knowledge of the matters stated in this declaration.

2. I am 37 years old. I work for the State of Alaska as a legislative librarian, and I reside in Juneau, Alaska.

3. I began working for the State in 2012 as a project coordinator for a digitization project and was promoted to legislative librarian in 2014. I hold a master's degree in Library Science.

4. I have received health coverage through the AlaskaCare Employee Health Plan throughout my employment with the State ("AlaskaCare").

5. I am a woman.

6. I am also transgender. While I was designated male at birth, my gender identity is female.

7. From an early age, I could tell that I felt "different" than other boys. For as long as I can remember, I felt unease and stress in typically male spaces, as if I was hiding myself. These negative feelings lessened whenever I could stop that "game." For example, later in life I would surreptitiously try on my mother and sister's clothing to try to reduce the gender dysphoria I was experiencing, which was difficult to experience and nearly constant. I did this quietly, however, because I learned that it was not safe to speak after learning a male friend was beaten by his father for playing with dolls. I was approximately six years old when that happened.

8. As a child, I did not understand why I was having these feelings, but no amount of wishing or trying to deny them made them go away. As a result of that early

lesson that not adhering to societal expectations would lead to violence, I focused an extraordinary amount of energy throughout my childhood and adolescence on trying to conform to society's expectations for male behavior.

9. Despite those efforts my sense of self as female, as not male, was incessant. By adulthood the despair of trying to deny it was overwhelming. I experienced serious distress and suicidal ideation and in the fall of 2013 reached the point of loading a firearm and pointing it at myself. I realized then that I needed to deal with the underlying cause of this distress, and was forced to come to terms with the fact that I am transgender.

10. I began to see a mental health professional in 2014 and was diagnosed with gender dysphoria. With the assistance of that treating professional, I began the process of social, legal, and medical transition to live as myself, as the woman that I have always been.

11. In consultation with health care professionals, I transitioned to living openly as a woman in 2014, and came out to my coworkers. I also undertook a process of legal transition, which involved changing my name to Jennifer Rae Fletcher and gender marker to female. After that, I updated my name and, where appropriate, my gender marker on identity-related documents such as my driver's license and passport. I also updated my name and gender marker to female on my employment records with the State.

12. In accordance with the recommendations of my medical providers, I began receiving medically necessary care for my gender dysphoria as well. I started hormone therapy in 2014, which helped feminize a number of secondary sex characteristics.

13. Surgical treatment, however, was also essential and medically necessary treatment for my gender dysphoria. Hormone therapy alone simply could not eliminate the distress I felt at the more typically male-appearing aspects of my anatomy.

14. Prior to surgical treatment, I experienced significant distress related to my genitalia and chest that negatively impacted my daily life. For example, I experienced such distress when using public restrooms or locker rooms designated for women and therefore avoided going to places where I might need to use these facilities. This led me to abandon activities such as rock climbing, martial arts, and swimming, as well as increased my sense of feeling isolated and alone. I also experienced such profound distress relating to my genitalia that I attempted to engage in genital self-surgery in my adolescence, although I ultimately abandoned such attempts.

15. As mentioned above, hormone therapy alone was not able to reduce the significant gender dysphoria I experienced from the more typically male-appearing aspects of my anatomy, which was very distressing and painful to experience. The daily experience of coping with it made my gender dysphoria worse, and after struggling with severe gender dysphoria for decades, I knew by that time that surgery was essential for my treatment and well-being.

16. I submitted an inquiry on November 22, 2016 to Aetna Life Insurance Company (“Aetna”), the medical claims administrator for AlaskaCare, regarding coverage and pre-authorization for surgical treatment for gender dysphoria. Attached as Exhibit A (bates numbered FLETCHER 003590-95) is a true and correct copy of the series of messages I exchanged with Aetna related to that initial inquiry.

17. I inquired if gender-confirmation surgery would be covered under the 2017 health plan, since the handbook was not available at that time; asked whether such a procedure would be covered if performed outside the United States; and asked how to begin the preauthorization request. Ex. A (bates number FLETCHER 003595). After being informed that the 2017 plan would maintain the exclusion for gender-confirming care, I shared more information about the reasons I believed this coverage must be offered under the law and asked Aetna to reconsider. Ex. A (bates number FLETCHER 003590-91). I also asked for a list of providers who would be covered under the terms of the plan and could perform the surgery in the United States. Ex. A (bates number FLETCHER 003591).

18. I subsequently communicated with Aetna representative Christopher Campbell over email in early December 2017. Attached as Exhibit B (bates numbered FLETCHER 003535-38) is a true and correct copy of a series of emails I exchanged with Mr. Campbell during the months of December 2017 and January 2018, with personal contact information redacted. Mr. Campbell informed me that because AlaskaCare is a self-funded plan, “all plan design decisions are made by the Plan Administrator (i.e. State of Alaska).” Ex. B (bates number FLETCHER 003537). After I pressed Mr. Campbell about the ways that the exclusion appears to violate the law, and asked for answers about Aetna’s role in applying the discriminatory exclusion, Mr. Campbell responded that because the State’s plan is self-insured, “it is [up] to [] them for the plan design. Unfortunately we [at Aetna] do not have any authority to change this. ... [I]t is up to the

State of Alaska for the plan design and there is nothing that we can enforce or change.”

Ex. B (bates number FLETCHER 003535-37).

19. I obtained gender-confirming surgery, specifically vaginoplasty and mammoplasty, on June 20, 2017. If I had been given access to such treatment through AlaskaCare, I would have obtained those surgical services in the United States. The State’s denial of coverage forced me to pay thousands of dollars out-of-pocket, diverting funds that I would otherwise have used to continue paying off my student loans and other debt.

20. I accordingly secured a surgeon in Thailand, which charged a lower fee than I otherwise would have paid to obtain this care out-of-pocket in the United States. There were burdens associated with reducing my expenses in this way, since my mother had to travel abroad with me to help care for me. But I decided to seek this care in Thailand so that I could reduce the significant anatomical dysphoria I was experiencing, and I was particularly anxious to do so after my efforts to advocate for access had failed.

21. On May 30, 2017, I timely filed a charge with the U.S. Equal Employment Opportunity Commission (“EEOC”) against the State of Alaska for sex discrimination in violation of Title VII.

22. On March 13, 2018, the EEOC issued a determination finding reasonable cause to believe that the State had violated Title VII. Specifically, the EEOC found that the State’s “categorical exclusion of gender reassignment treatment and services from its health plan results in the adverse treatment of [the State’s] employees based on sex (including gender identity), in violation of Title VII.” Attached as Exhibit C is a true and

correct copy of the EEOC's reasonable cause determination, with personal contact information redacted.

23. I received a notice of right to sue dated May 17, 2018, and timely initiated this suit. A true and correct copy of my notice of right to sue is attached as Exhibit D, with personal contact information redacted.

24. The medically necessary surgical care that I obtained has been effective in treating distress associated with my gender dysphoria. I no longer experience the anatomical dysphoria that I previously felt, and this has provided me with extraordinary relief. I no longer feel the significant distress that my anatomy caused me, or the anxiety I experienced about sharing public spaces with other women. Receiving the surgical care that I needed was life-changing, and I hope that this exclusion will be eliminated so that others do not have to needlessly suffer from similar gender dysphoria—especially when effective care is available.

I declare under the penalty of perjury that the foregoing is true and correct.

DATED: June 27, 2019



Jennifer Fletcher

CERTIFICATE OF SERVICE

I hereby certify that on July 1, 2019, I electronically filed the foregoing document and all attachments with the Clerk of the Court by using the CM/ECF system, causing a copy of the foregoing document and all attachments to be served on all counsel of record.

/s/ Tara L. Borelli

Peter C. Renn (admitted *pro hac vice*)
Tara L. Borelli (admitted *pro hac vice*)
Meredith Taylor Brown (admitted *pro hac vice*)
Eric Croft (Alaska Bar No. 9406031)

Attorneys for Plaintiff Jennifer Fletcher

Exhibit A

From: Member Services

Dear Jennifer Fletcher:

Thank you for using the secure member website to contact Aetna. To help protect your confidential information, please continue to use the secure member website to contact us. This online form provides greater security than standard Internet e-mail.

We need additional time to research and respond to your inquiry regarding transgender care.

We will send you a follow up email in one business day to provide you with a response.

We apologize for the inconvenience.

You can instantly communicate with a Health Concierge online via our Web Chat feature, Monday through Friday, from 8 a.m. to 6 p.m. ET and get the answers you need, fast. Or you can reach your Health Concierge team by logging on to www.aetn navigator.com and selecting 'Contact Us'. You may also call the toll-free number on your member ID card.

Sincerely,
Your Aetna Health Concierge
Aetna
33957031

NOTICE TO RECIPIENT(S) OF INFORMATION:

To view Aetna's privacy practices, please edit, copy and paste this website into your browser:

<http://www.aetna.com/legal-notices/privacy/information-practices.html>.

*GovtServices - Other- Health Concierge

Original Message Excluded:

12/02/20

From: Member Services

I would ask that you review sec. 1557 of the Affordable Care Act, and the regulations which have been promulgated. They explicitly state that exclusions of the sort that you cited (blanket transgender care exclusions) are illegal, and that they key determination should be whether coverage is present for similar treatments for other disorders.

I would point out that correcting birth defects of all types are explicitly covered, including intersex conditions. I would also point out that reconstructive surgeries are covered, and suggest that both of these are sufficiently similar to surgical treatments for gender dysphoria to merit a comparison.

For reference, the regulations require that all plans be modified to comply by January 1, 2017. The full text of those regulations is available at the following link: https://www.federalregister.gov/documents/2016/05/18/2016-11458/nondiscrimination-in-health-programs-and-activities?utm_campaign=subscription+mailing+list&utm_medium=email&utm_source=federalregister.gov.

Please read, and advise on whether or not surgical treatments for gender dysphoria will be covered during calendar year 2017, and if there are any limitations on which services. For the moment, let's assume the care is received within the United States, and I would ask for a list of providers who are capable of those procedures within the plan.

Sincerely,
Jennifer Fletcher

12/01/20

From: Member Services

Dear Jennifer Fletcher:

Thank you for using the secure member website to contact Aetna. To help protect your confidential information, please continue to use the secure member website to contact us. This online form provides greater security than standard Internet e-mail.

Your appeal request

We received your request to appeal services that have not yet been rendered. We reviewed your file and did not find any claims or preauthorization requests that have been denied. A denial must be issued before an appeal can be filed.

Your benefits

AlaskaCare does not cover gender reassignment surgery and related services nor medical services when the intent is to travel out of country to receive services.

You may find this information on page 83 under medical benefit exclusions, item number 4; 'any non-emergency charges incurred outside of the United States if you traveled to such location to obtain medical services, prescription drugs, or supplies, even if otherwise covered

5/19/2017

Message Center

under the medical plan. This also includes prescription drugs or supplies if such prescription drugs or supplies are unavailable or illegal in the United States; or the purchase of such prescription drugs or supplies outside the United States is considered illegal.'

In reference to gender reassignment surgery exclusion, page 90 addresses the exclusion for this type of service.

Although the current plan booklet is not the finalized document for 2017, this benefit information will remain the same for 2017.

State of Alaska offers their plan's Summary of Benefits and Coverage document online, which is a detailed summary of benefits. Go to www.AlaskaCare.gov, then under 'Employee' select 'Publications', 'Employee Insurance Information Booklet', then 'AlaskaCare Employee Health Plan booklet'.

You can instantly communicate with a Health Concierge online via our Web Chat feature, Monday through Friday, from 8 a.m. to 7 p.m. PT and get the answers you need, fast. Or you can reach your Health Concierge team by logging on to www.aetnanavigator.com and selecting 'Contact Us'. You may also call the toll-free number on your member ID card.

Sincerely,
Your Aetna Health Concierge
Aetna
33950963

NOTICE TO RECIPIENT(S) OF INFORMATION:

To view Aetna's privacy practices, please edit, copy and paste this website into your browser:

<http://www.aetna.com/legal-notices/privacy/information-practices.html>.

*GovtServices - Other- Health Concierge

Original Message Excluded:

12/01/20

From: Member Services

<https://member.aetna.com/secure/member/?v3#contentPage?page=messages>

3/6

I would like to appeal this determination.

CONFIDENTIAL

At the moment, the only plan documents which have been approved for the 2017 calendar year, and the only items which have been available for planning purposes, have been the general plan summaries which state the percentage of a variety of medical procedures are covered, information such as the premium and deductible, and so forth.

To put it another way, I have agreed to a plan for 2017 that does not yet have a plan booklet. There are no clauses within the 2016 booklet suggesting that the default position should be that all exclusions will be renewed, or even that the prior year would be the basis for the next year's plan design. I had requested these items from the State, and they were not provided. I have had prior confirmation from the State that the exclusions were being reworked heavily to comply with Federal law.

I will treat as implied through the documents which have been present during the Open Enrollment process that there is a matter of doctors in or outside of network, and that pre-authorization is required or benefits may be reduced. I would like to pre-authorize treatment with Dr. Suporn, of Chonburi, Thailand, in June of 2017, specifically for vaginoplasty and augmentation mammoplasty.

Please cite the relevant provisions by which you are denying this request. I would point out once again that the 2017 plan booklet and exclusion information have not been finalized, and yet open enrollment has ended. I would contend that the absence of any finalized exclusions at this time, **after** open enrollment has ended and I have selected a plan, is a rather key detail in making your determination.

As noted above, I will certainly concede that such treatment would be out of network, and perhaps not pre-authorized though I certainly am trying to ensure that it is.

Sincerely,
Jennifer Fletcher

11/30/20

From: Member Services

Dear Jennifer:

Thank you for using the secure member website to contact Aetna. To help protect your confidential information, please continue to use the secure member website to contact us. This online form provides greater security than standard Internet e-mail.

Your general coverage question

For basic information about our individual health plans, please visit <https://www.aetna.com/member>. For detailed coverage information and options available, please contact your employer's benefits department.

Out of the country services are covered in emergency situations only. Precertification is done by the provider; not the member. They would

contact the precertification department directly. You do not have to submit a form.

Coverage while traveling outside the USA

Your plan does include coverage for emergency services while traveling outside the USA. Most providers will require payment at the time services are provided.

Once services are provided

You'll need to submit a claim for reimbursement for any emergency services you have while traveling outside the USA (for example: emergency room, hospitalization, etc). Please get an itemized bill for all services that include:

- * Provider's name and address
- * Patient's name
- * Member ID
- * Date of service(s)
- * Type of service(s) and diagnosis
- * Dollar amount charged for each service(s)

A receipt showing payment for the care will also be needed to submit your claim.

Emergency inpatient medical care

If you need help in coordinating your care while traveling outside of the USA, contact our Special Case Precertification Unit (SCPU) at 1-855-888-9046.

They can arrange for the following:

- * Assessments of the urgent or acute care facility's ability to treat you
- * Transfer to another acute care facility, if needed
- * Transfer back to the United States
- * Transfer home

The information provided above is not a guarantee of coverage. Coverage is based on all the terms and conditions of your plan as well as eligibility at the time services are received.

You can instantly communicate with a Health Concierge online via our Web Chat feature, Monday through Friday, from 8 a.m. to 7 p.m. PST and get the answers you need, fast. Or you can reach your Health Concierge team by logging on to www.aetn navigator.com and selecting 'Contact Us'. You may also call the toll-free number on your member ID card.

Sincerely,

5/19/2017

Message Center

Your Aetna Health Concierge
Aetna
33910838

NOTICE TO RECIPIENT(S) OF INFORMATION:

To view Aetna's privacy practices, please edit, copy and paste this website into your browser:

<http://www.aetna.com/legal-notices/privacy/information-practices.html>.

*GovtServices - Other- Health Concierge

Original Message Excluded:

11/23/20

From: Member Services

Greetings;

There are three things which I am hoping to do:

- 1) Determine if a specific medical procedure will be covered after the plan benefit changes required by section 1557 of the Affordable Care Act are implemented on January 1, specifically sex reassignment surgery and augmentation mammoplasty associated with a gender dysphoria diagnosis (arguably more similar to reconstructive surgery, but providers often code procedures oddly).
- 2) Find out if these procedures would be covered if the procedures were carried out outside of the United States, which may also be dependent on plan changes between now and the anticipated date of the procedures.
- 3) Pre-authorize the procedure if it may be covered, for which I would need to be directed to the relevant forms.

Would you be able to help me with these tasks?

Jennifer Fletcher

11/22/20

Exhibit B



Jennifer Fletcher [REDACTED]

RE: Benefit Inquiry

1 message

Campbell, Christopher D <CampbellC@aetna.com>
To: [REDACTED]

Thu, Jan 5, 2017 at 3:24 PM

Also, I am sure that you already are doing so, but you can voice your complaints about the benefits to the Division of Retirement and Benefits. If the benefit changes for surgical treatment for gender dysphoria, I will let you know as soon as I do.

Thank you,

Christopher Campbell
Local & Regional Businesses Operations
Client Advocate, Government Services-Public & Labor

CampbellC@Aetna.com
(860) 900-2020 T
(860) 975-1340 F
1385 E. Shaw Avenue
Fresno, CA 93710



From: Campbell, Christopher D
Sent: Thursday, January 05, 2017 4:21 PM
To: 'Jennifer Fletcher'
Subject: RE: Benefit Inquiry

Hello Jennifer,

Since the State of Alaska AlaskaCare plan is a self-insured plan, it is to the them for the plan design. Unfortunately we do not have any authority to change this. As well as with the plan booklets, the State of Alaska is who determines when they want to release it.

5/28/2018

Gmail - RE: Benefit Inquiry

I can understand that you are frustrated, and these are probably not the answers you were wanting, but it is up to the State of Alaska for the plan design and there is nothing that we can enforce or change.

Thank you,

Christopher Campbell
Local & Regional Businesses Operations
Client Advocate, Government Services-Public & Labor

CampbellC@Aetna.com
(860) 900-2020 T

(860) 975-1340 F
1385 E. Shaw Avenue

Fresno, CA 93710



From: Jennifer Fletcher [REDACTED]
Sent: Thursday, January 05, 2017 2:50 PM
To: Campbell, Christopher D
Subject: Re: Benefit Inquiry

Greetings again Christopher,

I noticed that I have not received a response to my prior email.

I would also like to point out that as of January 1, 2017, the plan which Aetna is being asked to enforce no longer adheres to the nondiscrimination provisions in sec. 1557 of the Affordable Care Act, and continues to actively discriminate against transgender persons.

Could you respond to my prior questions, namely "What actions will Aetna take now that it is being asked to enforce a blatantly illegal plan?" "To what extent will Aetna pressure the AlaskaCare plan administrator to be more timely in adopting new plan booklets in the future?" and finally "Wouldn't enforcing the transgender treatment exclusions result in Aetna being complicit in these discriminatory actions, and consequently risk a certain amount of legal liability?"

https://mail.google.com/mail/u/0/?ui=2&ik=01c955277a&jevev=dxvNc8Y02g.en.&cbi=gmail_fe_180516.06_p8&view=pt&search=inbox&th=15971298765085e98&siml

5/28/2018

Gmail - RE: Benefit Inquiry

Thank you in advance for your response.

Sincerely,

Jennifer Fletcher

On Mon, Dec 5, 2016 at 1:19 PM, Jennifer Fletcher [REDACTED] wrote:

Greetings Christopher;

Thank you for your response. I do have some followup questions.

1) What actions would Aetna take if it is asked to enforce a blatantly illegal plan, for example one which continues to contain the mentioned exclusions or enacts numerous new treatment-based exclusions which are equally discriminatory?

2) To what extent is Aetna able to pressure the Plan Administrator to be more timely in adopting new plan booklets? For example, open enrollment for the plan ended on November 23, open enrollment for the open marketplace plans ends on December 15 (if coverage is to start January 1), but the timeline that I have been given is that the booklet will not be finalized until the end of December.

3) In the event that exclusions are still present and are being enforced after January 1, wouldn't Aetna potentially be exposed to some annoyingly high legal liabilities in relation to these issues? By which I mean, more so than they already are, since these regulations are not the only avenue by which one could make claims of discrimination.

I thank you in advance for your responses on these issues, and hope your days are enjoyable.

Sincerely,

Jennifer Fletcher

On Mon, Dec 5, 2016 at 12:35 PM, Campbell, Christopher D <CampbellC@aetna.com> wrote:

Hello Jennifer,

I want to thank you for reaching out to us regarding surgical treatment for gender dysphoria. I want to know that I did review the information that you have provided as well as what your current benefits are. Unfortunately the 2017 Employee plan booklet has not been posted yet. The State of Alaska AlaskaCare plan is self-funded plan, meaning that all plan design decisions are made by the Plan Administrator (i.e. State of Alaska). With that, we have referred your inquiry to the Division of Retirement and Benefits to research and either they or me will follow up with you.

Please feel free to reach out to me if you have any questions.

Thank you,

https://mail.google.com/mail/u/0/?ui=2&ik=91c955277a&jsver=-dxVNe9Y02g.en.&cbl=gmail_fe_180516.06_p8&view=pt&search=inbox&th=15971298765065e9&siml

5/28/2018

Gmail - RE: Benefit Inquiry

Christopher Campbell
Local & Regional Businesses Operations
Client Advocate, Government Services-Public & Labor

CampbellC@Aetna.com
(860) 800-2020 T

(860) 975-1340 F
1385 E. Shaw Avenue

Fresno, CA 93710



This e-mail may contain confidential or privileged information. If you think you have received this e-mail in error, please advise the sender by reply e-mail and then delete this e-mail immediately. Thank you. Aetna

This e-mail may contain confidential or privileged information. If you think you have received this e-mail in error, please advise the sender by reply e-mail and then delete this e-mail immediately. Thank you. Aetna

Exhibit C



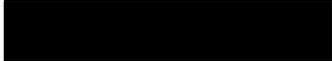
U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Seattle Field Office

CONFIDENTIAL

Federal Office Building
909 First Avenue, Suite 400
Seattle, WA 98104-1061
Seattle Direct Dial: (206) 220-6884
FAX (206) 220-6911
Website: www.eeoc.gov

Charge No. 551-2017-01334C

Jennifer Fletcher



Charging Party

State of Alaska
c/o Camille Brill, EEO Manager
550 W 7th Ave, Ste. 1960
Anchorage, AK 99501

Respondent

DETERMINATION

Under the authority vested in me by the Commission, I issue the following determination as to the merits of the subject charge filed under Title VII of the Civil Rights Act of 1964, as amended.

All requirements for coverage have been met. Charging Party alleged that, in 2016, the Respondent's healthcare benefits plan administrator, Aetna, advised her that transgender healthcare benefits were not included in her health plan. Charging Party further alleged that, in 2017, the Respondent also advised her of the same exclusion in its healthcare benefits plan provisions. However, despite this exclusion, the Charging Party subsequently underwent gender reassignment surgeries and paid out-of-pocket for the costs of these surgeries. Charging Party asserted that the Respondent's refusal to cover healthcare services related to gender reassignment constitutes illegal discrimination based on sex in violation of Title VII.

I have considered all the evidence disclosed during the investigation and have determined that there is reasonable cause to believe that, during the time period of 2016-2017, the Charging Party was denied healthcare benefits related to gender reassignment services on the basis of her sex (including her gender identity). It is further determined that, while Respondent has presented some evidence to show that, as of January 1, 2018, it has removed the exclusion for counseling specific to the gender transition process and for transition-related hormone treatment, Respondent's categorical exclusion of gender reassignment treatment and services from its health plan results in the adverse treatment of Respondent's employees based on sex (including gender identity), in violation of Title VII.

Upon finding that there is reason to believe that violations have occurred, the Commission attempts to eliminate the alleged unlawful practices by informal methods of conciliation. Therefore, the Commission now invites the parties to join with it in reaching a just resolution of this matter.

If the Respondent declines to discuss settlement, or when, for any other reason, a settlement acceptable to the office Director is not obtained, the Director will inform the parties and advise them of the court enforcement alternatives available to aggrieved persons and the Commission. Disclosure of information obtained by the Commission during the conciliation process will be made in accordance with Section 706(b) of Title VII and Section 1601.26 of the Commission's procedural regulations. A Commission representative will contact each party in the near future to begin conciliation.

MAR 13 2018

Date

On Behalf of the Commission:

Nancy A. Sienko, Director
Seattle Field Office

Exhibit D



CONFIDENTIAL

U.S. Department of Justice

Civil Rights Division

JMG:KDW:KLF
DJ 170-6-0

Employment Litigation Section - PHB
950 Pennsylvania Avenue, NW
Washington, DC 20530
www.usdoj.gov/crt/emp

NOTICE OF RIGHT TO SUE WITHIN 90 DAYS

CERTIFIED MAIL 7016 2140 0000 5582 0548
RETURN RECEIPT REQUESTED

MAY 17 2018

Ms. Jennifer Fletcher


Re: Jennifer Fletcher v. State of Alaska
EEOC Charge No. 551-2017-01334

Dear Ms. Fletcher:

It has been determined that the Department of Justice will not file suit on the above-referenced charge of discrimination that was referred to us by the Equal Employment Opportunity Commission (EEOC). This should not be taken to mean that the Department of Justice has made a judgment as to whether or not your charge is meritorious.

You are hereby notified that conciliation in this matter was unsuccessful by the EEOC. You are further notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e et seq., against the above-named respondent. If you choose to commence a civil action, such suit must be filed in the appropriate court within 90 days of your receipt of this Notice.

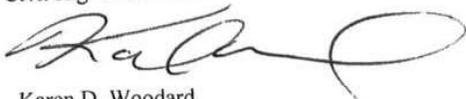
Therefore, you should consult an attorney of your own choosing at your earliest convenience. If you are unable to locate an attorney, you may wish to contact the EEOC, or apply to the appropriate court, since that court may appoint an attorney in appropriate circumstances under Section 706(f)(1) of Title VII, 41 U.S.C. 2000e-5(f)(1).

We are returning the files in this matter to EEOC's Seattle Field Office. If you or your attorney have any questions concerning this matter or wish to inspect the investigative file, please feel free to address your inquiry to: Nancy A. Sienko, Director, EEOC, 909 First Avenue, Suite 400, Seattle, WA 98104-1061.

Sincerely,

John M. Gore
Acting Assistant Attorney General
Civil Rights Division

By:


Karen D. Woodard
Principal Deputy Chief
Employment Litigation Section

cc: State of Alaska
EEOC, Seattle Field Office