



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**  
**Charlotte District Office**

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Charlotte, NC 28202  
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March 16, 2004

Charge Number 140A201867  
Hempfling vs LM Communications

Mr. Lee Kent Hempfling  
P. O. Box 6932  
Apache Junction, Arizona 85278

Dear Mr. Hempfling:

The processing of your charge of employment discrimination in the above referenced matter has been completed. The Equal Employment Opportunity Commission (EEOC) is dismissing your charge and is issuing you a Notice of Right To Sue.

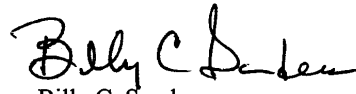
The evidence obtained by the Commission indicates that after five and a half months of employment you were discharged from your position because of unsatisfactory job performance. The evidence obtained by the Commission reveals that the offensive e-mails from your co-worker as well as anti-Semitic e-mail from non-station employees do not rise to the level of religious harassment that violates Title VII of the Civil Rights Act of 1964, as amended. It is undisputed that you complained about your co-workers, however, your complaints were not about religious discrimination. It is also undisputed that your co-workers complained about you and felt that you were harassing them and violating their Civil Rights. The evidence obtained by the Commission also reveals that you did not have to accept a Black Female's Letter of Resignation submitted to you on February 28, 2002, wherein she specifies the conditions under which she would continue her employment with the station. However, you pre-selected a male as well as sought and obtained a salary of \$30K per year for him and recommended the hiring of another male. No evidence was presented that shows you opposed a Black Female not being rehired by the station or that prior to your discharge you participated in an employment discrimination investigation of the station relative to failure to hire minorities. The evidence shows that you had the opportunity to hire another Black Female applicant but claims she lacked experience and needed training as well as promote another Black Female who you did not have time to train. Other than your verbiage, no evidence was presented that shows your intent to hire minorities especially Black Females or that you opposed the station's failure to hire minorities. Therefore, despite your claims, the decision to discharge you had nothing to do with your opposing discrimination in the workplace or your participating in an investigation of discrimination in the workplace. With respect to your being subjected to discriminatory terms and conditions of employment, no evidence was presented that shows your terms and conditions of employment were any different than your co-workers.

In view of these facts, it is unlikely that further investigation of your charge will result in a finding that a violation of the law(s) under which you filed your charge has occurred. For that reason, we have dismissed your charge and closed your file.

Enclosed you will find a Dismissal Notice of Right To Sue and, Information Sheet which describes your right to pursue the matter in court by filing a lawsuit within 90 days of your receipt of the dismissal notice. This 90 day period for filing a private lawsuit cannot be waived, extended, or restored by EEOC.

I regret that we cannot be of further assistance to you in this matter.

Sincerely,

A handwritten signature in black ink that reads "Billy C. Sanders". The signature is written in a cursive style with a large initial "B".

Billy C. Sanders  
Program Manager  
(Outreach & Education)