The United States District Court District of Colorado 901 19th St, Denver, CO 80294 | (303) 844-3433 Plaintiff: Joshua Abrams v. Defendant(s): Division of Unemployment Insurance, et al	**FILED** **UNITED STATES DISTRICT COURT** **DENVER, COLORADO** *8:38 am, Aug 29, 2025* **JEFFREY P. COLWELL, CLERK** ▲COURT USE ONLY▲
Joshua Abrams, Pro Se | abramslive@gmail.com |720-910-4829 P.O. Box 761 Loveland CO 80539	Case Number: 1:24-cv-03390 Division: Courtroom
PLAINTIFF'S SUPPLEMENTAL PLEADING	

Plaintiff, Joshua Abrams, proceeding pro se, respectfully supplements the operative complaint pursuant to Federal Rule of Civil Procedure 15(d) to incorporate transactions, occurrences, and events discovered or occurring after the filing of the original complaint in December 2024. This supplementation addresses Defendant's systemic and fraudulent practices, including coercive steering of claimants into the fee-laden U.S. Bank ReliaCard, deliberate inaccessibility of communication systems and accommodation processes under the Americans with Disabilities Act (ADA), and a racketeering enterprise involving theft and fraud in connection with federally funded programs. These actions violate Title II of the ADA, the Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. § 1962(c), under 18 U.S.C. § 666 Plaintiff incorporates by reference all allegations, exhibits, and claims set forth in the original complaint and prior supplements as they relate to all counts and emergency injunctions. These new counts arise from the same pattern of misconduct as the original claims, as Defendant's ReliaCard coercion and inaccessible communication systems exacerbate the harm from improper wage exclusions perpetuating benefit delays and Plaintiff's financial collapse.

1.Subsequent to the original complaint, Plaintiff's interactions with Defendant's unemployment insurance call center exposed systemic barriers to effective communication and access, particularly for individuals with disabilities, and a coercive scheme to funnel claimants into the fee-laden U.S. Bank ReliaCard. On March 15, 2025, Plaintiff called Defendant's designated line at 303-318-9000, enduring a 20-minute hold before connecting with an agent identified as Ed. The call, spanning 50 minutes, is documented in Exhibit A, an audio recording titled "*Exhibit_A_Call_03-2025.m4a,*" and Exhibit B, a certified transcript titled "*Exhibit_B_Call_Transcript.txt*."

2. Both have been redacted to remove Plaintiff's social security numbers and PII, During this call, Defendant misrepresented the availability of direct deposit and coerced Plaintiff into accepting the ReliaCard, while failing to provide accessible communication channels or accommodation processes. Defendant falsely informed Plaintiff that his personal bank account was incompatible with direct deposit due to a third-party validation failure, asserting that the ReliaCard was the only viable option to process his claim. This excerpts from Exhibit B 03-15-25 Call, captures the exchange:

Representative Ed: *"Well, you may have selected direct deposit, but because our banking institution third-party validating service could not verify it … I'm verifying that you have now the debit card because that's how it's being directed to you at this point."*

Plaintiff Joshua Abrams: *"No, this is the first I've heard of it. That's not what I selected … I never got any notification that there was an issue with my bank."*

Representative Ed: "*… if you're not able to use the banking institution that you're trying to utilize we ask you to use a different banking institution or the U.S. Bank ReliaCard … That's the only way you can actually get the claim filed."*

Plaintiff Joshua Abrams: *"I never selected a ReliaCard. I do not at any point want a ReliaCard and I have other institutions that I'd like to reattempt to select direct deposit to."*

Representative Ed: "*… You would have either had to request that it would be a banking institution that could be validated by our third-party validation system or use a U.S. Bank ReliaCard … You can't move forward when processing the claim unless you have banking information that can be validated … It appears that you chose the U.S. Bank ReliaCard. And I'm just validating that that is the case."*

3. These excerpts show Defendant's representative misrepresenting Plaintiff's lawful direct deposit election, falsely claiming that his bank account could not be verified, and coercing him into ReliaCard enrollment by insisting that it was "the only way you can actually get the claim filed." Plaintiff explicitly denied ever selecting or agreeing to ReliaCard, yet the representative persisted, falsely stating that he "chose" the card and that the claim could not proceed without it. This conduct is unlawful because it conditions access to a federally funded program on the acceptance of a fee-bearing financial product, restricts benefits through deception, and denies meaningful access to claimants with disabilities who cannot navigate Defendant's inaccessible telephone-only system to contest such misrepresentations.

4.By steering claimants into ReliaCard under false pretenses, failing to notify them of alleged banking issues, and offering no accessible alternative channels for resolution, Defendant engaged in discriminatory methods of administration under Title II of the ADA and Section 504 of the Rehabilitation Act, deceptive trade practices under the Colorado Consumer Protection Act, and actionable fraud and unjust enrichment under common law. The harm is both systemic and intentional, as corroborated by widespread public complaints of similar ReliaCard coercion, demonstrating deliberate indifference and resulting in financial and constitutional injury.

5. Defendant later deposited benefits into Plaintiff's personal bank account, contradicting its earlier representation and confirming its falsity when made. Publicly available materials from Defendant and U.S. Bank disclose ReliaCard fees, including $1.75 for out-of-network ATM withdrawals after two free per month, $1.25 for inactivity after 365 days, and additional charges for balance inquiries or international transactions, which erode claimants' benefits. On information and belief, Defendant's systemic steering of claimants into the ReliaCard, as corroborated by widespread complaints on platforms like Reddit and Facebook, reflects a

profit-driven scheme benefiting Defendant and U.S. Bank through contractual incentives or reduced administrative costs, at the expense of unemployed claimants.

6. Defendant's communication system further exacerbates these harms, particularly for disabled claimants. The March 15, 2025, call highlights Defendant's reliance on a single, overburdened telephone channel with excessive hold times and no functional callback system, as conceded by Defendant in related litigation filings. Plaintiff, unable to secure timely assistance, faced delays in resolving a "program integrity issue", compounded by Defendant's failure to provide electronic or alternative channels for requesting ADA accommodations. No published policy or online portal exists to guide claimants in seeking accommodations, forcing reliance on the inaccessible call queue.

7. Defendant's egregious practices, coupled with its intentional suppression of critical call recordings and policies electronically stored information subject to Federal Rule of Civil Procedure 37reveal a calculated pattern of systemic fraud, coercion, and deliberate indifference to Plaintiff's federally protected rights under Title II of the ADA and Section 504 of the Rehabilitation Act. Defendant's own admissions in its answer confirm it tracked Plaintiff's numerous calls, demonstrating its possession of and access to detailed records of those interactions, including the content exchanged. Yet, Defendant willfully withheld these recordings, strategically concealing evidence of its misrepresentations and coercive tactics, such as forcing Plaintiff into the fee-laden U.S. Bank ReliaCard under false pretenses. This deliberate concealment not only obstructs justice by defrauding this Court and depriving Plaintiff of vital evidence but also perpetuates a predatory campaign to skim benefits from vulnerable claimants through exorbitant fees, likely amassing thousands, if not millions, of dollars in illicit gains at the

expense of the unemployed. Should the Court find intentional spoliation of these records, Plaintiff requests sanctions, including an adverse inference, under Fed. R. Civ. P. 37(e).

8. The question of whether Defendant directly pocketed profits is irrelevant to establishing liability, as the systemic nature of these fraudulent practices corroborated by widespread complaints on platforms like Reddit and Facebook underscores a brazen violation of federal and state law, demanding accountability for this unconscionable exploitation of the most vulnerable.

Count One: Violation of Title II of the Americans with Disabilities Act: Plaintiff is a qualified individual with a disability, and Defendant is a public entity that operates Colorado's unemployment insurance program. Defendant has denied Plaintiff equal opportunity to participate in and benefit from that program through methods of administration that have a discriminatory effect and defeat program objectives. The Plaintiff already alleges violations of the ADA in his original complaint, but these separate dynamics and specifics were not available at the time of drafting. The agency relies almost entirely on a single telephone line for intake, assistance, and issue resolution, subjecting claimants to prolonged hold times and issuing false promises of callbacks that are never fulfilled, as documented in Exhibits A and B. Defendant provides no reliable electronic channel to request accommodations; there is no online form, email pathway, or posted policy explaining how to request or track accommodations. In its own filings, Defendant has admitted that accommodations may only be requested orally from a live call center agent, but this requirement is not disclosed publicly and is unworkable for claimants who cannot reach an agent or cannot use voice telephony. The oral-only policy makes accommodations illusory and cuts off access for claimants with hearing, speech, cognitive, mobility, or fatigue-related limitations, and for those who require assistive technologies or written confirmation of their requests. Plaintiff's disabilities, which limit communication and endurance, render Defendant's telephone-only system particularly burdensome, exacerbating delays and denying effective access and accommodation.

Count Two, Violation of the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. § 1962(c) Defendant, through its agents and in concert with U.S. Bank, conducted the affairs of an enterprise affecting interstate commerce through a pattern of racketeering activity in violation of 18 U.S.C. § 1962(c). Defendant Colorado Department of Labor and Employment, a recipient of federal funds exceeding $10,000 annually for its unemployment insurance program, qualifies as an enterprise under 18 U.S.C. § 1961(4). Its conduct with U.S. Bank forms an association-in-fact enterprise designed to extract illicit financial benefits from claimants.

The predicate acts include: (1) violations of 18 U.S.C. § 666, where Defendant Colorado Department of Labor and Employment, acting as an agent of a state agency receiving federal funds, knowingly obtained or agreed to accept financial benefits such as reduced administrative costs or contractual incentives by coercing claimants into the U.S. Bank ReliaCard under false pretenses. In the March 15, 2025 call (Exhibit B), Defendant's representative told Plaintiff, "You can't move forward when processing the claim unless you … use a U.S. Bank ReliaCard," despite Plaintiff's explicit denial. This scheme diverted benefits into a fee-laden product and deprived claimants of their statutory right to direct deposit.

This conduct constitutes a pattern of racketeering activity. Public complaints on Reddit, Facebook, and other forums show claimants reporting identical coercion from at least 2023 through 2025, demonstrating continuity and a deliberate policy. Defendant Colorado Department of Labor and Employment's concealment of call recordings and related policies, electronically stored information subject to Fed. R. Civ. P. 37further evidence intent to obscure the scheme and shield its unlawful practices.

Count Three: Violation of the Colorado Consumer Protection Act: Plaintiff incorporates the foregoing and asserts that Defendant engaged in deceptive trade practices affecting the public interest by misrepresenting his bank account's incompatibility with direct deposit and coercing ReliaCard enrollment without disclosing viable alternatives. The March 15, 2025, call excerpts document Defendant's false claim that Plaintiff's claim "can't move forward" without the ReliaCard, despite Plaintiff's explicit rejection: "I never selected a ReliaCard. I do not at any point want a ReliaCard." Defendant omitted material facts about direct deposit availability and ReliaCard fees, which include $1.75 for out-of-network ATM withdrawals and $1.25 for inactivity, impacting claimants' funds. This systemic conduct, corroborated by widespread online complaints on Reddit and Facebook about similar coercion, affects thousands of claimants and reflects intentional fraud for financial gain, potentially tied to Defendant's cost-saving contracts with U.S. Bank. Plaintiff suffered ascertainable losses, including delays, obstruction, and reduced benefits under duress through inability to apply for alternative base period.

WHEREFORE, Plaintiff respectfully requests:

A. 1. Declaration that Defendant's policies and practices, including exclusive reliance on an inaccessible telephone-only system with prolonged hold times and no functional callback mechanism, violate Title II of the ADA, 42 U.S.C. § 12132, and 28 C.F.R. §§ 35.130(b)(3), 35.160–35.164, by denying Plaintiff, a qualified individual with a disability, equal access to the unemployment insurance program.

2. Declaration that Defendant's coercive steering of claimants into the U.S. Bank ReliaCard through false representations about direct deposit availability constitutes a pattern of racketeering

activity under 18 U.S.C. § 1962(c), with predicate acts of theft or bribery under 18 U.S.C. § 666 and wire/mail fraud under 18 U.S.C. §§ 1341, 1343.

B. 1. A permanent injunction mandating that Defendant implement effective communication policies compliant with Title II of the ADA, including multiple accessible channels (e.g., email, web forms, in-person options) for to request assistance, resolve issues, and a published, transparent process for requesting and tracking ADA accommodations.

2. A permanent injunction prohibiting Defendant from coercing claimants into the U.S. Bank ReliaCard by misrepresenting direct deposit availability or conditioning claim processing on acceptance of a fee-bearing product.

3. An emergency injunction compelling Defendant to immediately process back pay owed from improper delays and miscalculations of 2023's claim, to prevent further irreparable harm from ongoing financial collapse and eviction risks, as detailed in Plaintiff's prior notices.

Respectfully submitted,

Joshua Abrams

Date: 08-28-2025 | ❑Petitioner/Plaintiff

Joshua Abrams, Pro Se

CERTIFICATE OF SERVICE

I certify that on 08-28-2025 a true and accurate copy of the Defendant was served on the other party by: X_E-filed, lauren.davison@coag.gov & Stephen.woolsey@coag.gov