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** *8:27 am, Sep 22, 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 2nd Amended Complaint	

Plaintiff brings this action to remedy ongoing constitutional and statutory violations in Colorado's administration of unemployment insurance (UI). Defendants maintain policies and practices that: (i) deny claimants constitutionally adequate notice and a meaningful opportunity to be heard; (ii) "funnel" appeals into predetermined tracks that cannot reach underpayment and systemic timing errors; (iii) retaliate against protected speech and petitioning through abusive "integrity" holds; (iv) deny effective communication and reasonable accommodations required by disability-rights law; (v) coerce claimants into a fee-bearing U.S. Bank ReliaCard through deception and economic duress; (vi) operate an association-in-fact enterprise that extracts value from claimants through vendor steering and fee structures; and (vii) compel transmission and storage of sensitive PII through opaque, insecure processes without notice, retention, or deletion rules. Plaintiff seeks prospective injunctive and declaratory relief, constitutionally adequate reprocessing of his 2023 claim, targeted programmatic reforms, limited discovery into vendor contracts and fee flows, and compensatory economic damages under §504 for discriminatory delay and denial of access.

Plaintiff's disabilities make it difficult to secure and maintain steady employment, leaving him especially reliant on lawful, orderly administration of public benefits and basic due-process protections. Even brief or partial interruptions in benefits causes tangible harm to a disabled claimant living at the margins which undermines housing, health, and the ability to seek work. Economic stability for vulnerable beneficiaries is not a courtesy; it is a legal and moral imperative that Defendants must uphold through compliant, accessible, and timely administration.

Jurisdiction and Venue.

This Court has federal-question jurisdiction under 28 U.S.C. §§ 1331, 1343. The claims arise under the First and Fourteenth Amendments (via 42 U.S.C. § 1983), Title II of the ADA, 42 U.S.C. § 12131 et seq., § 504 of the Rehabilitation Act, 29 U.S.C. § 794, and the Social Security Act's "when due" requirement, 42 U.S.C. § 503(a)(1). Declaratory and injunctive relief are authorized by 28 U.S.C. §§ 2201–2202. Venue is proper in this District under 28 U.S.C. § 1391(b) because the events and defendants are located here.

Plaintiff sues Joe Barela, Executive Director of the Colorado Department of Labor and Employment, and Jeff Firtzgerald, Director of the Division of Unemployment Insurance, in their official capacities for prospective declaratory and injunctive relief under *Ex parte Young* (1908), and where specified in their individual capacities for compensatory damages under § 1983 based on their personal involvement in adopting, implementing, or ratifying the challenged policies and practices (including notice/appeal funnels, oral-only accommodation channels, and in-person–only access). CDLE is a recipient of federal financial assistance and a "program or activity" under § 504. Also named are John/Jane Doe department managers identified in Defendants' declarations, in their individual capacities under §1983 for personal participation and supervisory liability (failure to train/supervise and deliberate indifference within their units), and in their official capacities only to the extent of their current authority to implement prospective compliance within those departments; Plaintiff will substitute true names upon full completed discovery.

No ongoing state proceeding exists that can afford Plaintiff adequate relief on the federal issues presented. As the notices never framed the underpayment/ADA defects and appeals were funneled into dead-end tracks, there is no adequate, parallel forum—so Younger abstention does not apply. See *Sprint* (2013); *Williams v. Reed* (2025).

No state administrative exhaustion bars these federal claims. See *Patsy v. Bd. of Regents* (1982). Plaintiff has Article III standing: he suffered concrete injury (underpaid/withheld benefits, illness and medical costs from unsafe access, lost wages), faces ongoing harm (continued non-notice/ADA barriers and risk of eviction), and the requested relief will redress those injuries. The Eleventh Amendment does not bar the official-capacity claims for prospective relief or § 504 damages against a federally funded program where immunity is waived;

Factual Background.

1. Initial Claim and Wage Exclusion Error: On March 7, 2023, Plaintiff filed a UI claim with CDLE. The filing listed North Carolina wages both for the base period and an alternative base period, and Plaintiff uploaded W-2s and pay stubs (which CDLE did not reject). Those NC wages also appeared in the claimant portal wage screen and in agency printouts. Nevertheless, on April 5, 2023, CDLE issued a Notice of Determination setting the WBA at $119 and marking the NC wages “not applicable,” contrary to CWC aggregation requirements, 20 C.F.R. § 616.7.

Later in 2023 after exhausting all Plaintiffs limited benefits, a CDLE supervisor reached by phone who declined to identify himself acknowledged that at least a portion of Plaintiff’s North Carolina wages had not been correctly applied to the claim (by not being associated to prior claims) and estimated an underpayment of roughly $3,000. Plaintiff responded that all North Carolina wages must be aggregated under the CWC rules, putting the true underpayment closer to $6,000. The supervisor then assured Plaintiff that, once "out-of-state processing" finished, the back pay would be directly deposited to the same account used for UI benefits. No deposit ever occurred. Plaintiff reasonably relied on this representation, delaying further escalation. This misrepresentation supports equitable estoppel and evidences a custom of verbal assurances without remedial action. The call was on recorded CDLE lines and the recording/notes should be produced in discovery.

CDLE issued no notice explaining the non-applicability decision or how to contest it, and provided no viable process to correct the error completely depriving Plaintiff of timely benefits and directly contributing to the Plaintiff's loss of economic stability rights resulting in the July 9, 2025 eviction notice and July 30, 2025 FED hearings.

2. Inaccessible and Nonfunctional Communication Channels: CDLE's administrative systems lacked any viable mechanism to correct the wage error or pursue appeals and reflect a constitutionally defective custom and practice. Defendants acknowledge heavy call volumes in 2023 and 2025; from March–June 2023, Plaintiff placed well over one hundred calls to CDLE's AI IVR, which routinely disconnected, handled only scripted prompts, offered no ADA option and no callback scheduling, and—when asked about issues outside its script—returned "cannot assist" before terminating the call. When live agents were reached, they provided contradictory or false assurances and promised callbacks or remedies that never materialized, a persistent practice that prioritizes clearing the queue over resolving claims, despite Plaintiff's W-2s and pay stubs already on file. CDLE's public claim that "communication can occur through the claimant portal" is materially misleading: the portal allows viewing notices and uploading documents, but does not deliver messages to responsible staff nor generate written responses; claimants must upload and then call, returning them to the same bottleneck.

By 2025, the AI tool was discontinued, but the structural barrier persisted: there remained no two-way written channel to responsible staff, and an over-saturated call center—approximately 60 total representatives serving thousands of claimants across all issues (new claims, integrity holds, under/overpayments, accommodations), with Defendants admitting they would need roughly double to consider callbacks—functioned as the only path to relief. This design predictably produced dropped calls, verbal assurances without follow-through, and no accountable written record, enabling systemic errors to go uncorrected while CDLE simultaneously treated the phone line as the sole means for ADA requests and claim processing. Taken together, the absence of a functional written/electronic path, chronic call-center overload, and the 2023 AI IVR failures constitute an established policy or custom that foreseeably prevents correction of wage errors, chills accommodations, and violates both procedural due process and the effective-communication mandate (28 C.F.R. § 35.160), as well as the Social Security Act's "when due" standard, 42 U.S.C. § 503(a)(1).

3. Systemic Non-Notice and "Funneling" Practices: CDLE never issued a determination that identified the underpayment/cross-state wage dispute, so there was no notice to appeal on the real issue. When Plaintiff called the appeals line to ask how to appeal the underpayment, staff stated the only way to initiate an appeal was to click an actionable notice, which did not exist for underpayment. Mail delivery further reduced effective response time: notices tied to the wrong issue often arrived with about seven days remaining of a 14-day period. In the claims portal, the only actionable item was a "withdrawal reconsideration." Plaintiff used that path but expressly stated he was not withdrawing and sought review of underpayment and North Carolina wage aggregation. The hearing officer nevertheless confined the matter to withdrawal only and dismissed it as untimely, without ever having due process on underpayment. CDLE's design permits a claimant to initiate an appeal only from an "actionable notice" that CDLE itself issues; if no notice is issued on the actual dispute (e.g., underpayment/cross-state wage aggregation, processing delays, or access failures), there is no path to magistrate review on that issue. In Plaintiff's case, the portal displayed only a withdrawal-related notice, so the ICAO review addressed withdrawal timing only and was later terminated when the Division issued a reconsideration limited to withdrawing the claim, a remedy that would have harmed Plaintiff by restarting and further delaying benefits. There is no catch-all or "other issue" avenue to reach disputes CDLE declines to notice; the agency thus controls what is appealable, leaving benefits and due-process claims that never received a notice with no forum at all. This architecture appeal rights tied solely to agency-chosen notices prevents any hearing on the real controversy and is the core due-process defect. Defendants' procedural framework works only in theory; in practice it is illusory and predictably produces systemic, real-world constitutional harms.

4. Retaliatory "Integrity" Holds: In 2023, Plaintiff engaged in protected First Amendment petitioning by seeking correction of his $6,000 unemployment benefits underpayment through over 100 calls to CDLE's AI-driven call center, faxes (March 10, 21, 24, April 10, 13, June 13, 2023), mailed submissions, appeals (March 24 and April 10, 2023). In direct retaliation, CDLE imposed three back-to-back "integrity" holds on Plaintiff's claim in 2023, with the third hold extending into 2025, blocking access to benefits and appeals **without notice.** These holds, triggered immediately after Plaintiff's petitions, lacked specific reasons or a clear path to cure(no notice of adverse action which the defendant admits is required), and were accompanied by contradictory staff assurances (e.g., false claims of "processing" with no follow-up). Defendants' declarations admit reliance on opaque, third-party contractor systems to flag holds, yet provide no transparency on how or why these flags were issued, constituting an abuse of discretion. The rapid succession of three holds in one year, directly tied to Plaintiff's efforts to seek redress, establishes a retaliatory pattern for his protected speech, violating 42 U.S.C. § 1983 (Borough of Duryea v. Guarnieri, (2011); Worrell v. Henry, (2000)). This retaliation delayed or at least contributed to processing delays, the $6,000 underpayment, exacerbated Plaintiff's financial collapse, and directly contributed to his July 9, 2025, eviction notice and July 30, 2025, FED and detainer hearing, causing ongoing harm.

5. ReliaCard Coercion and Vendor Steering: On March 15, 2025, after a prolonged hold on CDLE's main line, a CDLE agent (identified on the call as "Ed") stated that Plaintiff's personal bank account could not be verified by a third-party validator and that the claim could not move forward unless Plaintiff accepted a U.S. Bank ReliaCard, asserting this was "the only way" to process payment and falsely recording that Plaintiff had selected the card. Plaintiff expressly rejected ReliaCard and asked to re-elect direct deposit, but the agent persisted. CDLE later deposited benefits into the same bank account, confirming the earlier "incompatibility" claim was false when made. Conditioning access to a federally funded benefit on acceptance of a fee-bearing card while providing no functional written channel to dispute the misrepresentation constitutes deceptive, coercive administration and reinforces the systemic access barriers already alleged. (Exhibit A audio, Exhibit B transcript, August 28, 2025, filing). Subsequent deposits to the same bank disproved this, indicating intentional vendor steering. This practice, conditioning benefit access on a fee-bearing card, imposes an unconstitutional condition (Koontz v. St. Johns River Water Mgmt. Dist., 570 U.S. 595 (2013)) and suggests bribery/kickback violations under 18 U.S.C. § 666, as CDLE receives over $10,000 annually in federal funds (CARES Act, Title IX of the Social Security Act). Post-Snyder v. United States, (2024), § 666 requires quid-pro-quo intent, inferable from steering claimants into a fee stream for processing (Fischer v. United

States, (2008)). These allegations support RICO claims under 18 U.S.C. § 1962(c) and justify discovery, though no private § 666 action is asserted (Cort v. Ash, (1975)).

Plaintiff does not at this stage plead a civil RICO claim against state defendants, and recognizes that § 666 does not create a private right of action. The ReliaCard facts are pled primarily to support an unconstitutional-conditions and procedural due process theory (conditioning access to benefits on a fee-bearing instrument while withholding a functional written dispute channel), and secondarily to justify targeted discovery into non-sovereign actors (e.g., the card vendor) and any incentives, scripts, or routing rules that may evidence quid-pro-quo steering post-*Snyder* (2024). Plaintiff reserves the right to amend, if discovery reveals a distinct enterprise and non-sovereign "persons" with at least two predicate acts and proximate, property-based injury. The immediate requested relief is narrow and prospective: require fee-free options (direct deposit or check), clear written disclosures, and a two-way written mechanism to contest payment-routing decisions, without conditioning benefits on ReliaCard enrollment.

6. Disability Accommodation Failures: Plaintiff disclosed autism and ODD in 2023 and again in 2025 and requested human-facilitated, written or structured electronic communication in lieu of nonfunctional web forms or congested phone queues. CDLE's own practice—requiring oral accommodation requests through an understaffed call center with no callback capacity, no ADA-coordinator outreach, and no two-way written intake—provided no clear instructions on how to request accommodations, offered no prompts alerting callers to ADA options, and concealed any workable pathway. Despite Plaintiff's multiple written submissions asking for accommodations, CDLE rejected or ignored written requests and provided no interactive process; only after both claims had effectively closed did Plaintiff learn from a live representative that requests had to be made verbally, a method Plaintiff could not reasonably access given his disabilities. These deliberately maintained barriers—documented in public audits and complaints—chilled and obstructed accommodation requests and deprived Plaintiff of meaningful access, in violation of Title II and § 504 (see 28 C.F.R. § 35.160; duty to ensure effective communication and to engage in an interactive process). This later resulted in CDLE routed claimants into small, poorly ventilated rooms to use a shared, unsanitized phone conditions that posed obvious, foreseeable infection risks the agency knew or should have known about during the relevant period.

7. Unsafe In-Person Visits and Health Harms: With no functional remote channel to resolve the wage dispute or request accommodations, Plaintiff scheduled in-person visits in April 2023 out of desperation and requesting accommodation for his disability, expecting substantive interactive assistance. Plaintiff brought with him his pay-stubs, and other physical documents to resolve his underpayment issue. Instead, CDLE directed him to wait in crowded lobbies with visibly ill patrons who appeared mostly homeless, and then to a small, poorly ventilated room containing a single shared, unsanitized telephone that dozens of claimants used daily connected to the same queue that had already failed to resolve his claim. Staff provided no cleaning, masking, or ventilation protocol, despite the agency's receipt of federal COVID-response funds and contemporaneous DOL guidance emphasizing safe, remote access. Following an April 2, 2023 visit, Plaintiff contracted COVID-19 and required hospitalization; later in 2023 Plaintiff returning again in person again out of desperation, developed conjunctivitis, an eye infection. These illnesses caused medical expenses and lost wages and were a foreseeable result of CDLE's unsafe, in-person routing and failure to provide accessible alternatives.

8. Insecure PII Collection: To clear "integrity" holds and verify eligibility, CDLE required submission of highly sensitive PII (SSNs, driver's license images, bank records, facial images, pay stubs) through opaque, vendor-mediated channels with no notice of security practices, downstream sharing, retention periods, or deletion rights; no two-way written intake to correct errors; and no auditable process to contest or purge data. Conditioning access to unemployment benefits on surrendering PII through nontransparent pipelines—without notice and an opportunity to understand, contest, correct, or seek deletion—imposes an unreasonable procedural barrier to a protected property interest in violation of the Fourteenth Amendment's procedural due process guarantees. See *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976) (risk of erroneous deprivation vs. minimal administrative safeguards); see also federal UC confidentiality/safeguard duties, 42 U.S.C. § 503(a)(1), (a)(8), and 20 C.F.R. pt. 603 (requiring secure, transparent handling). These practices also contravene the Privacy Act's fair-information principles and Colorado's data-protection requirements by failing to provide clear notice, retention, and deletion policies. As implemented, CDLE's insecure, one-way collection triggered repeated re-verification cycles that delayed payment by weeks, compounding the very fraud risks the "integrity" process purported to prevent.

9. Prior Knowledge and Deliberate Indifference: Defendants' use of insecure public portals, unencrypted email submissions, and a CDLE website lacking secure or accessible PII collection pathways violated Plaintiff's procedural due process rights under the Fourteenth Amendment and statutory obligations. These systemic failures were documented in Colorado Office of the State Auditor (OSA) reports (e.g., March 2025 Statewide Single Audit, noting MyUI+ security deficiencies; Report No. 1921F, 2020), DOL OIG Report No. 19-21-001-03-315 (2021) (highlighting unemployment system vulnerabilities), social media complaints referenced in Plaintiff's prior motions in Keener v. Polis & Barela, No. 1:21-cv-01394 (D. Colo. 2021), and CDLE's admissions (e.g., 2021 Unemployment Fraud Task Force noting 1.1 million fraudulent claims). Defendants, including Executive Director Joe Barela, knew of these issues but persisted in using insecure systems, prioritizing costly third-party contracts (e.g., ID.me, costing millions per CDLE's FY 2024-25 budget of $455,209,176) over compliance with the Privacy Act (5

U.S.C. § 552a), 20 C.F.R. Part 603, Colorado Privacy Act (C.R.S. § 6-1-1301 et seq.), and ADA (42 U.S.C. § 12132). This deliberate indifference, exacerbated by CDLE's failure to modernize after withdrawing from the 2016 multi-state Unemployment Insurance Modernization Project, chilled Plaintiff's access to benefits, a protected property interest (Goldberg v. Kelly, 397 U.S. 254, 262 (1970)), and violated privacy rights (Whalen v. Roe, 429 U.S. 589, 599-600 (1977); NASA v. Nelson, 562 U.S. 134, 138 (2011)). Defendants' reliance on outdated systems and unchecked outsourcing contributes to Colorado's budget deficits, reflecting a custom of ignoring constitutional and statutory duties. This habit of prioritizing expensive outsourcing over secure, compliant systems, without plans for modernization, exacerbates risks of identity theft, delays benefits, and wastes taxpayer funds, reflecting a custom of deliberate indifference to constitutional and statutory obligations.

10. Ongoing Harm and No Adequate State Remedy: CDLE's non-notice and funneling practices ensured no appealable determination was issued on Plaintiff's wage underpayment, rendering state proceedings illusory and abstention inapplicable (Sprint Commc'ns, Inc. v. Jacobs, (2013); Williams v. Reed, Feb. 2025). Plaintiff faces imminent eviction (July 9, 2025, notice), loss of subsistence, and medical access due to the $6,000 underpayment and ongoing ADA barriers (e.g., oral-only accommodation policy). Thousands of claimants report similar harms (e.g., loss of homes, businesses), per social media and public reports.

11. Prior Filings : Plaintiff notified the Colorado Attorney General's Liability Office on November 3, 2023 (L095240). Plaintiff filed an emergency motion for preliminary injunction (Feb. 26, 2025) and a supporting brief (Mar. 25, 2025) detailing ADA and systemic violations. On Aug. 28, 2025, Plaintiff submitted a Supplemental Notice, Motion for Leave, Proposed Supplemental Complaint, and Exhibits A (Mar. 15, 2025 audio) and B (transcript) alleging ReliaCard coercion and related claims. On Sept. 2, 2025, the Court dismissed the case and mooted all pending motions despite ongoing harm, requests to amend, new evidence, and clear systemic defects. Notably, the Supreme Court's decision in *Williams v. Reed* (Feb. 2025) preceded the dismissal and squarely controls abstention and exhaustion.

Count I: Fourteenth Amendment Procedural Due Process (42 U.S.C. § 1983)

1. Unemployment compensation benefits are a protected property interest under the Fourteenth Amendment's Due Process Clause, requiring a meaningful opportunity to be heard before deprivation. Goldberg v. Kelly, 397 U.S. 254, 262-63 (1970); Mathews v. Eldridge, 424 U.S. 319, 333-35 (1976) (balancing private interest, risk of erroneous deprivation, and government interest). The Social Security Act (42 U.S.C. § 503(a)(1), (a)(3)) and Colorado Employment Security Act (C.R.S. § 8-74-106) mandate clear notice and fair hearings for all benefit disputes, including underpayments, overpayments, and eligibility.

2. Defendants, including CDLE Executive Director Joe Barela and other officials acting under color of state law, maintain a custom or policy of issuing templated, non-specific Notices of Determination that fail to address claimants' actual disputes (e.g., underpayments from interstate wage exclusions, overpayment demands, or eligibility issues), rendering them non-contestable and precluding meaningful appeals. This practice violates 20 C.F.R. § 602.12 (requiring notices to specify reasons for benefit determinations) and 42 U.S.C. § 503(a)(3) (mandating fair hearings). Specific systemic practices include: **A.** Funneling appeals into non-remedial tracks (e.g., "withdrawal reconsideration") and rejecting filings as misdirected or untimely due to defective or delayed notices, as evidenced by Plaintiff's rejected appeals (e.g., March 24, April 10, 2023; Docket ID 10116-2023) and widespread claimant complaints on social media (referenced in Keener v. Polis & Barela, No. 1:21-cv-01394 (D. Colo. 2021)). **B.** Maintaining inaccessible systems, including an AI-driven Interactive Voice Response (IVR) system (causing over 100 dropped calls for Plaintiff), ignored faxes (e.g., March 10, 21, 24, April 10, 13, June 13, 2023), and a website lacking functional appeal portals, violating Americans with Disabilities Act (ADA) (42 U.S.C. § 12132) accessibility requirements for disabled claimants. **C.** Refusing to docket or hear appeals not tied to a specific notice, even when claimants identify valid disputes (e.g., Plaintiff's $6,000 underpayment from North Carolina wage exclusion), creating a systemic barrier to redress for underpayments, overpayments, and other issues.

Mathews Balancing Test: Private Interest: Claimants, including Plaintiff, an indigent, disabled individual, have a substantial interest in accurate benefits to avoid financial hardship, as evidenced by Plaintiff's July 9, 2025, eviction notice (hearing July 30, 2025). Goldberg, 397 U.S. at 264. Risk of Erroneous Deprivation: CDLE's non-specific notices and refusal to consider disputes absent matching notices create a high risk of erroneous deprivations (e.g., Plaintiff's $119 weekly benefit vs. $254+ due to interstate wage errors), affecting thousands of claimants per Colorado Office of the State Auditor (OSA) reports (e.g., March 2025, noting MyUI+ deficiencies; Report No. 1921F, 2020). Government Interest: The burden of providing clear notices and a catch-all appeal process is minimal, as DOL Unemployment Insurance Program Letter No. 20-20 (April 2020) endorses electronic portals and written intake, which CDLE failed to implement despite feasible technology.

3. Defendants had actual or constructive knowledge of these systemic defects via OSA audits (e.g., March 2025, identifying IT security and appeal process failures), DOL OIG Report No. 19-21-001-03-315 (2021) (noting unemployment system vulnerabilities), prior litigation (Keener v. Polis & Barela), and the 2021 Colorado Unemployment Fraud Task Force (reporting 1.1 million fraudulent claims due to weak safeguards). Despite this, Defendants prioritized costly third-party contracts (e.g., ID.me, costing millions annually per FY 2024-25 budget of

$455,209,176) over compliance, showing deliberate indifference to due process, ADA, and 20 C.F.R. § 616.8 (interstate wage rules). City of Canton v. Harris, 489 U.S. 378, 390 (1989).

4.CDLE's systemic practices caused Plaintiff financial collapse, emotional distress, and eviction proceedings, with similar harms to other claimants. The absence of a process to address non-noticed disputes renders administrative remedies illusory, excusing exhaustion. Patsy v. Bd. of Regents, 457 U.S. 496, 516 (1982). The violations are ongoing, remediable under Ex parte Young, 209 U.S. 123 (1908), and meet Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009) pleading standards. Plaintiff seeks the following relief;

(a) Declaratory Relief: A declaration that Defendants' systemic practices of issuing non-specific Notices of Determination, rejecting appeals not tied to notices, and maintaining inaccessible systems violate the Fourteenth Amendment's Due Process Clause, 42 U.S.C. § 503(a)(1), (a)(3), 20 C.F.R. § 602.12, and C.R.S. § 8-74-106.

(b) Injunctive Relief: An order requiring Defendants, in their official capacities, to: (i) Issue clear Notices of Determination specifying all claimant disputes (e.g., underpayments, overpayments, eligibility). (ii) Establish a catch-all appeal process for any benefit-affecting dispute, compliant with 20 C.F.R. § 602.12. (iii) Extend appeal deadlines to 45 days from actual notice receipt, with tolling for defective notices, per DOL guidance. (iv) Prohibit rejecting appeals as "misdirected" and require staff to route to correct tracks. (v) Reprocess Plaintiff's 2023 claim to correct the North Carolina wage exclusion.

Count II: First Amendment Retaliation (42 U.S.C. § 1983)

1. The First Amendment protects the right to petition the government for redress, including challenging erroneous administrative actions such as unemployment benefit disputes. Borough of

Duryea v. Guarnieri, 564 U.S. 379, 387 (2011). Retaliation for exercising this right through adverse actions causally linked to petitioning violates 42 U.S.C. § 1983. Worrell v. Henry, 219 F.3d 1197, 1212 (10th Cir. 2000) (requiring (1) protected activity, (2) adverse action, and (3) causal connection).

2. In 2023, Plaintiff engaged in protected petitioning by seeking correction of a $6,000 underpayment in unemployment benefits due to CDLE's exclusion of North Carolina wages. Plaintiff's efforts included over 100 calls to CDLE's AI-driven Interactive Voice Response (IVR) system, faxes (March 10, 21, 24, April 10, 13, June 13, 2023), mailed submissions, appeals (March 24, April 10, 2023; Docket ID 10116-2023), and a November 3, 2023, notice to the Colorado Attorney General's Liability Office demanding escalation. These actions constitute protected petitioning under the First Amendment. Guarnieri, 564 U.S. at 387.

3. In direct retaliation, Defendants imposed three "integrity holds" on Plaintiff's claim in 2023 (March 15, June 20, October 5, 2023), with the third hold extending into 2025, each blocking benefit payments and appeal processing without specific reasons or a clear cure path. These holds, triggered by third-party contractor systems (e.g., ID.me), were accompanied by deceptive assurances from call center staff (e.g., false claims of "processing" on April 15 and July 10, 2023), intended to pacify and deter Plaintiff. The holds were sufficiently severe to chill a person of ordinary firmness from further petitioning, as they caused financial collapse and a July 9, 2025, eviction notice (hearing July 30, 2025). Thaddeus-X v. Blatter, 175 F.3d 378, 394 (6th Cir. 1999) (defining adverse action as chilling ordinary firmness).

4. The temporal proximity of the holds (March 15, following March 10 fax; June 20, after June 13 fax; October 5, after September 2023 escalation demands) and the pattern of three holds in short succession within one year establish a causal link to Plaintiff's petitioning. Mickey v.

Zeidler Tool & Die Co., 516 F.3d 516, 525 (6th Cir. 2008) (temporal proximity supports causation). Defendants' reliance on opaque, third-party systems to impose holds without disclosing evidence or cure paths, even after Plaintiff exhausted most benefits, demonstrates punitive intent rather than fraud prevention, as holds continued post-exhaustion (October 2023–2025). This reflects a systemic CDLE custom of using integrity holds to punish claimants who challenge errors, as evidenced by social media complaints and prior litigation (Keener v. Polis & Barela, No. 1:21-cv-01394 (D. Colo. 2021)). Defendants had no legitimate, non-retaliatory basis for these holds, as the record shows no fraud evidence, only Plaintiff's persistent demands for correction. Mt. Healthy City Sch. Dist. Bd. of Educ. v. Doyle, 429 U.S. 274, 287 (1977) (requiring the plaintiff to show adverse action would not have occurred but for protected activity).

5. Defendants, including Executive Director Joe Barela, knew of the retaliatory use of holds via Colorado Office of the State Auditor (OSA) reports (e.g., March 2025, noting MyUI+ deficiencies), DOL OIG Report No. 19-21-001-03-315 (2021), and the 2021 Colorado Unemployment Fraud Task Force (reporting 1.1 million fraudulent claims due to weak safeguards). Their failure to correct these practices, while prioritizing costly third-party contracts (e.g., ID.me, millions annually per FY 2024-25 budget of $455,209,176), shows deliberate indifference to Plaintiff's First Amendment rights. City of Canton v. Harris, 489 U.S. 378, 390 (1989). Plaintiff suffered financial collapse, emotional distress, and eviction proceedings due to delayed benefits, exacerbated by Defendants' deceptive assurances.

6.CDLE's illusory appeal channels, which reject filings without matching notices, excuse exhaustion. Patsy v. Bd. of Regents, 457 U.S. 496, 516 (1982). This claim is distinct, focusing on retaliation for petitioning, not due process. Plaintiff seeks the following relief;

(a) Declaratory Relief: A declaration that Defendants' imposition of integrity holds in retaliation for Plaintiff's protected petitioning violates the First Amendment.

(b) Injunctive Relief: An order requiring Defendants, in their official capacities, to: (i) Prohibit integrity holds lacking specific, evidence-based rationales or used to punish petitioning. (ii) Provide written reasons for holds and a prompt, accessible cure path, compliant with 20 C.F.R. § 602.12. (iii) Maintain transparent logs of hold rationales, accessible to claimants.

Count III: Violation of Social Security Act's "When Due" Requirement (42 U.S.C. § 503(a)(1)) via 42 U.S.C. § 1983

1. The Social Security Act requires state unemployment programs to employ "methods of administration … reasonably calculated to insure full payment of unemployment compensation when due." 42 U.S.C. § 503(a)(1); see *California Dep't of Human Res. Dev. v. Java*, 402 U.S. 121, 135 (1971). This "when due" mandate is enforceable under 42 U.S.C. § 1983. *Blessing v. Freestone*, 520 U.S. 329, 340–41 (1997); *Maine v. Thiboutot*, 448 U.S. 1, 4–8 (1980). No administrative exhaustion is required. *Patsy v. Bd. of Regents*, 457 U.S. 496, 516 (1982).

2. Defendants—state officials administering the unemployment program with federal support—failed to maintain methods of administration reasonably calculated to ensure payment when due. Plaintiff repeatedly attempted to correct a wage-calculation error that reduced his weekly benefit from $254 to $119. Despite multiple phone calls (March 10, 21, 24; April 10, 13; and June 13, 2023), faxes (March 21 and April 10, 2023), and written submissions (April 13 and June 13, 2023), the call system dropped or looped calls, no qualified agent provided a resolution, and no written acknowledgment or determination issued. With remote channels nonfunctional, Plaintiff was forced to appear in person on April 2, 2023, where overcrowded, unsanitary

conditions during the COVID-19 period exposed him to health risks and yielded only “priority” placement back into the same defective AI pipeline. These practices delayed correction of the benefit error and chilled timely appeals and completely blocked any ability to request disability accommodations.

3. Federal guidance during the pandemic directed states to provide safe, accessible remote access and effective mechanisms to resolve eligibility and payment issues. Defendants prioritized vendor workflows and call handling over actual resolution and access, despite repeated notice of failures. As a direct result, Plaintiff suffered delayed benefits (the $135/week shortfall), medical expenses related to illness following the April 2 visit, and lost wages diverted to attempting to correct agency error. Defendants’ administration, taken together, was not reasonably calculated to ensure full payment when due, in violation of § 503(a)(1), and under color of state law deprived Plaintiff of a federal right actionable under § 1983. Plaintiff seeks the following relief;

A. Declaration that Defendants’ administrative methods—including a nonfunctional call AI systems even if temporary or now removed, ignored written and fax submissions, and unsafe, in persons visits —violate § 503(a)(1)’s “when due” requirement;

B. Injunction requiring Defendants, in their official capacities, to (i) implement functional remote and written intake channels (secure electronic portal with two-way messaging and tracking), (ii) provide time-bound written acknowledgments and determinations, and (iii) maintain safe, effective in-person access.

Count IV: ADA Title II and Section 504

1. Plaintiff's Disability and Protected Status: Plaintiff is a qualified individual with disabilities, including autism spectrum disorder and oppositional defiant disorder, which substantially limit

major life activities such as oral communication under stress, executive functioning, and social interaction. 42 U.S.C. § 12102 (defining disability under ADA). Plaintiff disclosed these disabilities in 2023 and 2025 submissions to CDLE and requested reasonable accommodations, such as written or structured remote channels for submitting claims, appeals, and PII. CDLE, a public entity receiving federal financial assistance (e.g., DOL grants under Social Security Act Title III), administers the unemployment insurance (UI) program, subjecting it to Title II of the ADA (42 U.S.C. § 12132) and Section 504 of the Rehabilitation Act (29 U.S.C. § 794). Tennessee v. Lane, 541 U.S. 509, 531 (2004) (abrogating sovereign immunity for ADA claims involving access to public services).

2. Defendants maintained nominal remote channels (A.I./call center, fax, mail, claim portal), but in practice they were illusory: Plaintiff made scores of calls, multiple faxes, and written submissions , attempted appeals, only to encounter dropped/looped calls, unacknowledged filings, and agency forms listing obsolete, non-working fax numbers that rendered submissions undeliverable and unreviewed. After completely exhausting those avenues, the only practical path presented was an in-person visit. On April 2, 2023 and again later that same year, Plaintiff appeared in person out of desperation and fear of economic collapse, reasonably expecting and hoping a caseworker to resolve the issues, but was routed into a crowded lobby and an unventilated phone room with a shared landline not cleaned between uses, creating foreseeable infection risk. By allowing remote channels to fail and making in-person exposure the de facto route to resolution, Defendants created a dangerous and avoidable environment.

3. Violations of Effective Communication and Accommodation Requirements: Title II and Section 504 require public entities to provide effective communication and reasonable accommodations to ensure individuals with disabilities have meaningful access to programs, giving primary consideration to the requested method. 28 C.F.R. § 35.160(a)(1), (b)(1)-(2)

(effective communication regulations); Duvall v. County of Kitsap, 260 F.3d 1124, 1136 (9th Cir. 2001) (requiring accommodations tailored to disability needs); Alexander v. Choate, 469 U.S. 287, 301 (1985) (Section 504 mandates meaningful access). CDLE's systemic practices denied Plaintiff access to UI benefits, including: **A.** An AI-driven Interactive Voice Response (IVR) system incapable of processing accommodation requests or handling complex inquiries, leading to over 100 dropped calls in 2023. **B.** Discontinuation of the "disability-only" callback portal by 2025, which previously failed to provide interactive engagement or follow-up. **C.** Refusal to accept or respond to written accommodation requests (e.g., Plaintiff's faxes and submissions in March, April, June 2023, and 2025), despite DOL guidance recommending multiple access methods (e.g., in-person, phone, online) for disabled claimants. U.S. Dep't of Labor, Unemployment Insurance Program Letter No. 01-24 (Jan. 2024) (requiring states to ensure accessible UI processes). **D.** Lack of clear instructions or a dedicated portal for requesting accommodations, violating 28 C.F.R. § 35.130(b)(7) (requiring modifications to policies)

3. Deliberate Indifference: Defendants had actual knowledge of these barriers via Plaintiff's repeated disclosures, social media complaints (e.g., Reddit threads on CDLE inaccessibility), prior litigation (Keener v. Polis & Barela, No. 1:21-cv-01394 (D. Colo. 2021), alleging no ADA-compliant access in UI processes), and audits (Colorado Office of the State Auditor (OSA) March 2025 Statewide Single Audit, noting MyUI+ system deficiencies in accessibility and IT governance; DOL OIG Report No. 19-21-001-03-315 (2021), highlighting UI vulnerabilities affecting disabled claimants). Despite this, Defendants prioritized call-center metrics and third-party contracts (e.g., ID.me, costing millions annually), showing deliberate indifference to Plaintiff's rights. Lovell v. Chandler, 303 F.3d 1039, 1056 (9th Cir. 2002) (deliberate indifference standard for ADA/§504 damages). This discrimination caused Plaintiff delayed benefits, forced in-person visits (resulting in COVID-19 contraction requiring hospitalization in April 2023 and

conjunctivitis in 2023), inability to meet work-search requirements during illness (over two months), and financial collapse leading to a July 9, 2025, eviction notice (hearing July 30, 2025). No exhaustion was required due to inaccessible channels. Patsy v. Bd. of Regents, (1982). Plaintiff seeks the following relief;

A. Declaration that Defendants' inaccessible AI/ system, discontinued callback portal, refusal of written accommodation requests, and lack of accommodation instructions violate Title II of the ADA (42 U.S.C. § 12132) and Section 504 of the Rehabilitation Act (29 U.S.C. § 794).

B. An order requiring Defendants, in their official capacities, to: (i) Implement an accessible written/electronic accommodations portal compliant with 28 C.F.R. § 35.160 and DOL guidance (e.g., UIPL 01-24), including ASL interpreters, screen reader compatibility, and plain language. (ii) Mandate proactive outreach by an ADA coordinator upon any disability disclosure, with staff training on accommodations per JAN (Job Accommodation Network) resources. (iii) Adopt effective-communication standards, including alternative formats (e.g., Braille, large print) and multiple access methods (in-person, phone, online). (iv) Issue time-bound accommodation decisions (within 14 days) with written reasons and appeal rights. (v) Reprocess Plaintiff's 2023 claim with accommodations to correct the North Carolina wage exclusion error, reporting progress to the Court on deadlines.

C. Damages Against CDLE for economic losses from discriminatory delays and access denials, including medical costs from COVID-19 hospitalization (2023) and conjunctivitis (2023), lost wages from unmet work-search requirements during illness (over two months), and other harms totaling approximately $100,000, due to deliberate indifference.

Count V: Unconstitutional Conditions (42 U.S.C. § 1983)

1. Defendant operates Colorado's unemployment insurance program and acts under color of state law. Plaintiff has a protected property interest in timely unemployment benefits once eligible.

2. On March 15, 2025, during a 50-minute call to 303-318-9000 (Ex. A audio; Ex. B transcript), Defendant's agent "Ed" told Plaintiff that because a third-party could not "validate" Plaintiff's bank, ReliaCard was "the only way you can actually get the claim filed," and represented that Plaintiff had "chosen" the ReliaCard. Plaintiff expressly denied ever selecting ReliaCard and reaffirmed his election of direct deposit. Defendant provided no contemporaneous written notice of any "validation" failure, no means to cure, and no avenue to contest the forced card enrollment through a timely, accessible channel.

3. Defendant failed to disclose material facts, including: (a) that direct deposit remained available upon re-entry/cure; (b) the fees associated with ReliaCard (e.g., out-of-network ATM fees after limited free withdrawals; inactivity fees; other charges); and (c) the availability of alternative payment methods without fee exposure.

4. Defendant later deposited benefits directly to Plaintiff's personal bank account, contradicting its earlier claim that direct deposit was unavailable and confirming the falsity and/or premature nature of the ReliaCard "only way" statement when made.

5. By conditioning access to benefits on acceptance of a fee-bearing financial product, without prior adequate notice of any alleged banking "validation" failure and without a meaningful, timely opportunity to contest or cure, Defendant deprived Plaintiff of property without due process. Defendant's unilateral "telephone-only" channel, prolonged holds, and absence of a published written cure/appeal workflow rendered any remedy illusory at the point of deprivation.

6. C.C.P.A. (C.R.S. § 6-1-105). In the course of administering a service affecting the public, Defendant engaged in deceptive trade practices by (a) misrepresenting that ReliaCard was required to proceed and that Plaintiff had selected it; (b) omitting material fee information and viable non-fee alternatives; and (c) using statements likely to deceive reasonable consumers/claimants. The practice is systemic and capable of repetition, affecting the public interest. Plaintiff suffered ascertainable losses including delayed access, increased costs risk, and time/effort expended to undo the misdirection. Plaintiff request the following relief;

A. Declaration that Defendant's ReliaCard steering and related misrepresentations/omissions violate procedural due process and the C.C.P.A.

B. Injunction prohibiting conditioning claim processing on ReliaCard acceptance; requiring written notice of any payment-method defect with a clear, accessible cure path (email/web form/portal) and prompt re-evaluation.

Count VI Procedural Due Process (42 U.S.C. § 1983): Insecure PII Collection

1. Unemployment insurance is a protected property interest; the Fourteenth Amendment requires fair procedures before the State burdens access to it. *Goldberg v. Kelly*, (1970). The process due turns on the *Mathews* balance—private interest, risk of error, and value of additional safeguards. *Mathews v. Eldridge*, (1976).

2. To clear "integrity" holds and verify eligibility, Defendants conditioned access to benefits on surrendering highly sensitive PII (SSN, driver's license images, bank records, facial images, pay stubs) through opaque, vendor-mediated channels (including nonfunctional web forms and unvetted third-party systems) without: (a) clear notice of security practices, downstream sharing, retention periods, or deletion rights; (b) a two-way, auditable written intake to responsible staff; or (c) any mechanism to correct or purge data post-adjudication. This imposed an unreasonable procedural barrier and created a high risk of erroneous deprivation in violation of due process.

3. These practices also fail federal “methods of administration” and confidentiality duties for state UI programs receiving federal funds, which require secure, transparent handling of UC information. See 42 U.S.C. § 503(a)(1), (a)(8); 20 C.F.R. pt. 603. While the government may collect PII for legitimate purposes to prevent fraud which the Plaintiff does not challenge, but Defendant must do so in a way that is not reckless or proximate to creating more harm, through providing reasonable safeguards and transparency; Defendants did not. *NASA v. Nelson*, (2011).

4. Defendants’ use of public portals, unencrypted email submissions, and a CDLE website lacking any functional portal, clear information, or accessible pathways for claimants to exercise their rights under federal and state PII protection laws demonstrates a systemic failure to comply with statutory and constitutional obligations. Specifically, these practices violate the Privacy Act of 1974 (5 U.S.C. § 552a), which mandates secure collection and transparent notice of PII use; 20 C.F.R. Part 603, which requires state unemployment agencies to safeguard PII with secure transmission and storage systems; and the Colorado Privacy Act (C.R.S. § 6-1-1301 et seq.), which grants claimants the right to know, access, and request deletion of their PII. Public audits, including reports from the U.S. Department of Labor Office of Inspector General (DOL OIG) (e.g., Report No. 19-21-001-03-315, highlighting vulnerabilities in state unemployment systems), claimant complaints documented in public records, and Defendants’ own admissions in CDLE communications (e.g., website notices or public statements acknowledging system limitations) put leadership on actual or constructive notice that these channels were insecure, nontransparent, and prone to risks such as identity theft. Persisting in these practices despite such notice constitutes deliberate indifference to Plaintiff’s procedural due process rights under the Fourteenth Amendment, as it imposes an unreasonable burden on accessing unemployment benefits, a protected property interest. City of Canton v. Harris, 489 U.S. 378, 390 (1989) (holding that deliberate indifference to constitutional rights supports § 1983 liability); Goldberg

v. Kelly, 397 U.S. 254, 262 (1970). Exacerbating this violation, Defendants have prioritized spending millions of dollars annually on third-party vendor contracts (e.g., with Google or other fraud detection services) under the guise of program integrity, while failing to allocate resources to modernize CDLE's systems or ensure compliance with PII protection laws. This mismanagement, evidenced by decades-long reliance on outdated, patchwork technology without plans for modernization, contributes to Colorado's budget deficits and increases the risk of data breaches, further chilling Plaintiff's participation in the unemployment compensation program. See Whalen v. Roe, 429 U.S. 589, 599-600 (1977) (requiring safeguards for PII collection to protect privacy rights); NASA v. Nelson, 562 U.S. 134, 138 (2011) (emphasizing the need for reasonable safeguards in government data collection).

5. As a direct and proximate result, Plaintiff experienced repeated re-verification cycles, delays and denials tied to unresolved "integrity" holds, out-of-pocket compliance costs, and a foreseeable, ongoing risk of identity-misuse attributable to Defendants' deficient handling and non-compliant PII pipelines. Plaintiff seeks the following relief :

1. Declaratory judgment that conditioning benefits on submission of PII through opaque, insecure channels without clear safeguards violates procedural due process;

2. injunction requiring (i) a secure, encrypted, auditable PII intake with a two-way written channel to responsible staff; (ii) published policies stating collection purpose, security measures, downstream sharing, retention periods, and a process to request correction and post-retention purge; and (iii) a prohibition on nonfunctional or unverified channels for UC PII.

****COUNT VII — Civil RICO (18 U.S.C. § 1962(c)) — Against Non-Sovereign** Persons***(Against U.S. Bank and Individual Doe Officials in Their* ***Individual*** *Capacities)*

Placeholder Claim Plaintiff is not pleading civil RICO or a standalone § 666 claim here. The ReliaCard steering facts are alleged to support the unconstitutional-conditions and due-process counts and to justify targeted Rule 26(b)(1) discovery (contracts, fee schedules, revenue sharing, referral scripts, and communications with the card vendor). Plaintiff respectfully requests: (1) an immediate preservation order covering all steering-related contracts, billing records, call recordings/transcripts, training materials, dashboards/metrics, and internal or vendor communications; (2) early, limited discovery on those categories; and (3) that the Court transmit these allegations and any responsive materials to appropriate authorities—including the U.S. Attorney, U.S. Department of Labor-OIG, and the Colorado Attorney General—for potential investigation under 28 U.S.C. § 535(b) and analogous state law. Any referral should not delay civil adjudication of the claims, and Plaintiff reserves leave to amend if discovery reveals a non-sovereign enterprise or quid-pro-quo evidence.**

2. These persons conducted/participated in the affairs of an association-in-fact enterprise consisting of U.S. Bank, the state UI payment unit, and contracted vendors, with a common purpose (migrating claimants to a fee-bearing card), continuity (2023–2025+), and structure (scripts, validation gating, fulfillment workflows). 18 U.S.C. § 1961(4).

1. RICO persons. U.S. Bank National Association and individual Doe Officials 1–3 (e.g., program managers who set or enforced ReliaCard steering scripts) are “persons” under 18 U.S.C. § 1961(3). The state agency itself is not a RICO person (sovereign immunity); it may serve as part of the enterprise.

3. Snyder v. United States (2024) bribery vs. gratuity. To the extent § 666 is invoked, Plaintiff alleges quid-pro-quo bribery/kickbacks, not mere gratuities: tangible things of value (e.g., fee revenue streams, cost offsets, or contractual incentives) were corruptly solicited/accepted by or offered to agents of a state program receiving >$10,000 in federal funds, in exchange for official acts that steered claimants into ReliaCard and constrained direct deposit. 18 U.S.C. § 666(a)(1)(B), (a)(2); *Snyder* (clarifying gratuity is insufficient), *Sabri*, *Salinas*.

4. Wire/Mail Fraud (18 U.S.C. §§ 1343, 1341). a. March 15, 2025 phone call (interstate wires): Agent "Ed" stated "ReliaCard is the only way you can get the claim filed," and falsely that Plaintiff had "chosen" it, omitting material facts (direct-deposit cure; fees). Ex. A/B identify date, speaker, medium, and content. Follow-up written communications (mail/email/portal notices, March–April 2025): reiterated or operationalized card enrollment and failed to disclose cure steps/fees (specific dates/IDs to be identified in discovery; Plaintiff pleads on information and belief based on card issuance workflow and later contradictory direct deposits). These misrepresentations/omissions were material, intended to obtain money/property (fee revenue streams and cost reductions), and reasonably relied upon by claimants, including Plaintiff, causing systemic multimillion dollar property injury across thousands of claimants (fees assessed/at risk, loss of use, delay costs).

5. § 666 Bribery/Kickbacks (alternative predicates). On information and belief, contractual incentives/revenue sharing or cost-offsets tied to ReliaCard adoption were corruptly solicited/accepted by agents of a state program receiving federal funds, in exchange for official action to restrict direct deposit and steer to ReliaCard (scripts, validation gating, and enrollment defaults). Particulars (agreement terms, payables, responsible officials) will be established in discovery. Pattern. The scheme targeted numerous claimants over multiple years (at least 2023–2025), using scripted misstatements and standardized communications closed-ended continuity (multi-year) or open-ended threat of repetition. Injury to business or property. Plaintiff suffered property injury relating to use/time-value of delayed benefits; Plaintiff seeks the following relief :

1. Private injunctive relief under RICO is disputed; equitable program reforms are sought under other counts.

2. Limited, expedited discovery (program-integrity cure). Under Fed. R. Civ. P. 26(d)(1) & 26(b)(1), Plaintiff seeks narrowly tailored early discovery: (a) contracts/SOWs with U.S. Bank concerning UI disbursement; (b) fee schedules, chargebacks, revenue-sharing, or cost-offset provisions; (c) scripts/policies concerning "validation" failures and ReliaCard defaults; (d) communications between agency officials and U.S. Bank about steering, card issuance, and integrity-hold triage; (e) aggregated data on payment-method selection, validation failures, and opt-out rates. Plaintiff also seeks a preservation order covering call recordings and ESI relevant to ReliaCard enrollment and payment-methods. See Fed. R. Civ. P. 37(e) (spoliation remedies).

Conclusion

This case is not a one-off dispute about a single claim. It presents a documented, ongoing pattern of unconstitutional and unlawful administration in a federally funded program: notices that are never sent or omit the real dispute and block any hearing on it; rigid, notice-gated appeal tracks that provide no catch-all route severely limiting due process rights; reckless and abusive/ retaliatory "integrity" holds with no transparent reason or cure ; the withdrawal of functional accommodation pathways and an oral-only policy through overburdened and understaff call centers that denies effective communication; unsafe, in-person access during a public-health emergency; opaque PII pipelines that condition benefits on surrendering sensitive data without basic safeguards and retentions/deletion policies; and coercive steering to a fee-bearing payment product. Together, these practices reflect systemic mismanagement and deliberate indifference that predictably deprive claimants, especially disabled and vulnerable claimants of property and statutory rights in violation of the Fourteenth Amendment, the First Amendment, Title II of the ADA, § 504 of the Rehabilitation Act, and the Social Security Act's "when due" mandates.

Prospective, process-focused relief is both necessary and appropriate. Under *Ex parte Young*, the Court has authority to order forward-looking remedies that correct these administration defects while preserving agency discretion: issue-specific notices and a catch-all route; routing (not rejecting) misdirected filings; a reasonable appeal window keyed to actual receipt; written ADA intake with coordinator engagement; secure, auditable PII handling with clear retention/deletion policies; and non-coercive payment options (direct deposit or check) with plain disclosures. *Williams v. Reed* confirms federal review is proper where state channels cannot hear the real issue. The record shows continuing harm to Plaintiff and similarly situated claimants; the requested injunctions and declaratory relief are narrowly tailored, minimally burdensome, and essential to halt ongoing violations and restore lawful access to unemployment benefits.

Joshua Abrams

Date: 09-21-2025 | ❑Petitioner/Plaintiff

Joshua Abrams, Pro Se

CERTIFICATE OF SERVICE & AUTHENTICITY

I certify the filings are true and accurate to the best of my knowledge done in good faith and under acknowledgement of perjury. & That on 09-21-2025 a true and accurate copy of this filing were served on Defendants by: E-filed, lauren.davison@coag.gov & Stephen.woolsey@coag.gov