

FILED  
U.S. DISTRICT COURT  
DISTRICT OF COLORADO

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

2022 JUL 26 PM 4:33

JOY A. S. CLEWELL  
CLERK

Civil Action No.

BY \_\_\_\_\_ DEF. CLK

(To be supplied by the court)

ASHLEY BEARD, Plaintiff

v.

**Jury Trial requested:**

(please check one)

☒ Yes ☐ No

BRINKS INC

Crystal Rice- H.R Manger

Kristine O'Neill- Operations Manger

\_\_\_\_\_, Defendant(s).

*(List each named defendant on a separate line. If you cannot fit the names of all defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Section B. Do not include addresses here.)*

**EMPLOYMENT DISCRIMINATION COMPLAINT**

**NOTICE**

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should not contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include only: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

**A. PLAINTIFF INFORMATION**

*You must notify the court of any changes to your address where case-related papers may be served by filing a notice of change of address. Failure to keep a current address on file with the court may result in dismissal of your case.*

**ASHLEY BEARD 9700 WELBY RD Unit 1024 Thornton, 80229**

(Name and complete mailing address)

(720) 291-3098 Ashleybeardzzz@gmail.com

(Telephone number and e-mail address)

**B. DEFENDANT(S) INFORMATION**

*Please list the following information for each defendant listed in the caption of the complaint. If more space is needed, use extra paper to provide the information requested. The additional pages regarding defendants should be labeled "B. DEFENDANT(S) INFORMATION."*

Defendant 1: Brinks Inc 2203 Uravan St, Aurora, Co 80011

(Name and complete mailing address)

(303) 355-2071 WWW.Brinks.com

(Telephone number and e-mail address if known)

Defendant 2: Crystal Rice

(Name and complete mailing address)

(215) 280-3684 Crystal.Rice-Minor@brinks.com

(Telephone number and e-mail address if known)

Defendant 3: Kristine O'Neill 2203 Uravan St, Aurora, Co 80011

(Name and complete mailing address)

(303) 319-8942 Kristine.oneill@brinksinc.com

(Telephone number and e-mail address if known)

**C. JURISDICTION**

*Identify the statutory authority that allows the court to consider your claim(s): (check all that apply)*



☒ Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e, et seq.  
(employment discrimination on the basis of race, color, religion, sex, or national origin)

☒ Americans with Disabilities Act, as amended, 42 U.S.C. §§ 12101, et seq. (employment discrimination on the basis of a disability)

☐ Age Discrimination in Employment Act, as amended, 29 U.S.C. §§ 621, et seq.  
(employment discrimination on the basis of age)

☐ Other: *(please specify)*

**D. STATEMENT OF CLAIM(S)**

*State clearly and concisely every claim that you are asserting in this action and the specific facts that support each claim. If additional space is needed to describe any claim or to assert additional claims, use extra paper to continue that claim or to assert the additional claim(s). Please indicate that additional paper is attached and label the additional pages regarding the statement of claims as "D. STATEMENT OF CLAIMS."*

CLAIM ONE: All Claims on additional pages, named Statement Of Claims.

The conduct complained of in this claim involves the following: *(check all that apply)*

<input type="checkbox"/> failure to hire	<input type="checkbox"/> different terms and conditions of employment
<input type="checkbox"/> failure to promote	<input checked="" type="checkbox"/> failure to accommodate disability
<input checked="" type="checkbox"/> termination of employment	<input checked="" type="checkbox"/> retaliation
<input checked="" type="checkbox"/> other: <i>(please specify)</i> <u>Disability discrimination</u>	

Defendant's conduct was discriminatory because it was based on the following: *(check all that apply)*

<input type="checkbox"/> race	<input type="checkbox"/> religion	<input type="checkbox"/> national origin	<input type="checkbox"/> age
<input checked="" type="checkbox"/> color	<input type="checkbox"/> sex	<input checked="" type="checkbox"/> disability	

Supporting facts: Included on a separate piece of paper, named Supporting facts.

**E. ADMINISTRATIVE PROCEDURES**

Did you file a charge of discrimination against defendant(s) with the Equal Employment Opportunity Commission or any other federal or state agency? (*check one*)

☒ Yes (*You must attach a copy of the administrative charge to this complaint*)

☐ No

Have you received a notice of right to sue? (*check one*)

☒ Yes (*You must attach a copy of the notice of right to sue to this complaint*)

☐ No

**F. REQUEST FOR RELIEF**


*State the relief you are requesting or what you want the court to do. If additional space is needed to identify the relief you are requesting, use extra paper to request relief. Please indicate that additional paper is attached and label the additional pages regarding relief as "F. REQUEST FOR RELIEF."*

**G. PLAINTIFF'S SIGNATURE**

I declare under penalty of perjury that I am the plaintiff in this action, that I have read this complaint, and that the information in this complaint is true and correct. *See* 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Under Federal Rule of Civil Procedure 11, by signing below, I also certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper

purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

(Plaintiff's signature) 

(Date) 7-26-22

(Revised February 2022)

## Supporting facts

July 15, 2019, Dunbar merged with Brinks

November the 3rd 2019 I suffered a lower back injury, Workmans Comp doctor places me on restriction. 6 hours a day 5 days a week no more than 20 pounds lifting pushing and pulling.

Operation manager offers a new position of (Turret Guard), I accept the position. The same position was sent to the Workmans Comp Doctor to approve the position, position was approved. I remained in vault injury progressed.

Nov 14<sup>th</sup>, 2019, I seen Workmans Comps Doctor, I was placed on strict restrictions 4 hours a day 5 days a week. 5-pound lifting, pushing and pulling. Operation manager offers me new position to accommodate the new restriction of (Turret Guard/May also assist in vault and check in routes).

New Position sent to Workmans Comp Doctor of (Turret Guard) only! for approval. Position approved. I signed new position shortly after.

I was only in the (turret guard) position for about a week and a half, before I was put back in the vault because they were shorthanded. The witness statement can confirm this.

During this time, I was asked to perform duties that directly violate my restrictions, I was asked to check in Bank routes and springs routes which are the heaviest routes, by the vault supervisor and leads that was fully aware of my restriction.

I was given a nick name (Brokeback) by vault lead, I was called this name in front of supervisors who laughed. I was called the darkest 1 in the vault; I am an African American woman. Also, my co-work who transferred from Dunbar who is a gay man, was made fun of and the center of jokes, That I did not agree with. the witness statement can confirm this.

I was told if I had trouble with my work duties to talk to the operation manager. I did just that, I told the operation manager I was having trouble with the workload and I'm in a lot of pain. Operation manager told me that her aunt had been walking on bone to bone for a year now.

I know she meant suck it up and get back to work. Because of this reason I was afraid, to tell her (operation manager) the rest of the things going on in the vault.

My lower back injury progressed



April 7<sup>th</sup>, I seen Workmans Comp Doctor. I tell the doctor the exact same thing I told the operation manager. The doctor told me I should have some relief from pain by now.

Doctor asked me what activity's I'm doing in PT; I explained, and she asked at work? I told her I'm still in the vault. Doctor told me that's not the position your supposed to be in to be in. Doctor pulls me from work all together.

From Nov 14<sup>th</sup> –April 7<sup>th</sup> I was not accommodated I was harassed and treated very poorly.

I talk with the operation manager, she told me to keep her updated on my recovery to remind her I still wanted my job. I did just that...

November 3, I had surgery.

February, I received a letter from Brinks. Saying I'm coming up on a year of leave and they haven't heard from me, (when indeed kept in contact records show). Brinks wanted to know the exact date I can return to work. I could not give Brinks an exact date on my recovery. I contacted Brinks Operations Manager and Brinks HR Manager.

I told Operations Manager that I do not know the exact date. But I know I will return with restrictions. Operations Manager told me that Brinks will not let me return with restrictions.

A week later I received a termination letter from Brinks effective April 26, 2021, with instructions for me to turn in all my equipment and talk to the operation manager. I followed all instruction and said my farewells to the people that was kind to me.

Almost a month later I seen the Doctor for a medical rating, 15% whole person, permanent restrictions and 2 years of maintenance care. I told the Doctor I did not need permanent restriction because I no longer had a job anymore. Doctor told me that I must find a job that he must approves of, I agreed.

A few days later I was released from care by Concentra.

The next day I received a call from Brinks Operation Manager, she asked me if I had already had a new job, I answer no. Opp Manager asked if I wanted my job back. I ask her what is going on? You guys fired me! Opp Manager told me she got a call from HR. HR told her ASHLEY BEARD was released without restriction do you want her back. Opp Manager said yes, I want her back. I tell the Opps Manager I will be willing to take my job back, but I do indeed have permanent restrictions.

I was told to call HR Manager. When I called the HR Manager, she was not happy to hear that I do have permanent restrictions. I told her I will take my job back within my restrictions. I told HR Manager I have an appointment with my Doctor June 15<sup>th</sup> and I can start after that date. HR Manager agreed.

I got a call from Operations Manager June 3, telling me HR called her and told her to put me on schedule for June 7<sup>th</sup>. I told Operations Manager that I will not return until my permanent restrictions are back in place.

I email HR Manager the same thing, HR Manager tells me they have full duties work release.

I remind HR Manager that they fired me.

I ended all communication with Brinks. Brinks continued to harass me via emails, text and phone calls.

I filed a complaint with both the EEOC and the CCRD I received a right to sue from both.

## D. STATEMENT OF CLAIMS

### Failure To Accommodate a Disability: s 24-34-402(1)(a):

November 1, 2019, [Plaintiff] suffered a lower back injury. Workman's compensation doctor placed [Plaintiff] on restrictions, 6-hour workdays out of a 5-day work week with a limit of carry/push/pull weight restrictions of 10 pounds.

[Defendant] Operations Manager, Kristen O'Neil, offered a new position of (Turret Guard- may also assist in the vault and check in routes). [Defendant] submits a different position to Workman's Compensation Physician, consisting of just (Building Turret Guard). [Plaintiff] excepts (Turret Guard)-may assist in the vault) position under false pretense that the position was approved by Workmans Compensation Doctor.

On or around two weeks the [Plaintiff] was placed back in the vault, by [Defendant] Operation manager Kristen O'Neill, which was a direct violation of accommodation and [Plaintiff] restrictions. Lower back injury worsened...

November 14, 2019, Workers' Compensation Physician Implements strict restrictions to 4-hour workdays 5-days a week with weight restriction, of 5 pounds lifting limit and 10 pounds pushing in pulling, no bending, kneeling, squatting and limited sitting and standing... [Defendant] offers new position of just (Turret Guard). [Plaintiff] excepts new position of (Turret Guard) to accommodate her strict restrictions. [Plaintiff] remained in the vault. Lower back injury worsened.

Disability Discrimination: s 24-34-402(1)(a):

While in vault the [Plaintiff] was asked repeatedly to perform job duties that was in direct violation of restrictions and violation of accommodation.

March 24, 2020 [Plaintiff] was told if she could not physically perform her work duties to talk to [Defendant] Kristen O'Neill. [Plaintiff] notifies [Defendant] Kristen O'Neill that she cannot physically perform the job duties in the vault. [Plaintiff] was told by [Defendant] Kristen O'Neill, "My aunt has a bone-on-bone injury for a year now" and said she is not changing the [Plaintiff] position physically to (Turret Guard). Injury worsened

Harassment- Hostile Work Environment s24-34-402(1)(a):

[Plaintiff] also ask if she could change her schedule time. [Defendant] Kristen O'Neill refused the [Plaintiff] request. [Plaintiff] interpretation of [Defendant] Kristen O'Neill statement about her aunt. Was to suck it up and get back to work. For this very statement, the [Plaintiff] was afraid to report the continuous harassment, In the vault. Where the [Plaintiff] was repeatedly called Broke Back, Dark by [Defendant] vault lead Jeremy in the presence of supervisors daily. Enduring inappropriate comments made about her injury, and the inability to do her job. Note, the position that was offered to accommodate the [Plaintiff] restrictions were (Turret Guard). [Plaintiff] waited until her next doctor's appointment, on April 7, 2020, to expressed to Workers Compensation Physician that she is still in the vault. Workers Compensation Physician pulls the [Plaintiff] immediately from work.



While on medical leave, [Plaintiff] stay connected with [Defendant] Operations Manager Kristen O'Neill.

[Plaintiff] has surgery November 3, 2020.

Note, at every doctor's appointment a copy of the visit was sent to the [Defendant]. [Defendant] was aware of [Plaintiff] medical statuses.

March 19, 2021, the [Plaintiff] receives a letter from the [Defendant]. Notifying the [Plaintiff] That she has been on leave for almost a year. The letter also states, if they do not hear from [Plaintiff] prior to April 19, 2021, to discuss potential opportunities for [Plaintiff] return to active employment or potential accommodations. [Defendant] will move forward with administrative termination on April 19, 2021. [Plaintiff] contacted [Defendant] Crystal Rice HR Manger. [Plaintiff] was told she will receive a call back.

March 25<sup>th</sup>, 2021 [Plaintiff] contacts [Defendant] Operation Manager Kristen O'Neill, via text messaging. [Plaintiff] sends the March 19<sup>th</sup> letter she received to [Respondent] Kristen O'Neil, from HR via text.

[Plaintiff] Informs [Defendant] Operation manager O'Neill, she "is returning to work with restrictions". [Defendant] Kristen O'Neill "I don't think they'll let you return with restrictions!" April 14<sup>th</sup>, 2021 [Plaintiff] contacts [Defendant]. Crystal Rice, HR Manager, asks for a date to return to work? [Plaintiff] could not give a date. [Defendant] Crystal Rice HR Manger said there is nothing she can do it has been a year; she can try to call the insurance company and she will call back with an update. [Defendant] never returned the call.

Instead, [Plaintiff] received a termination letter.

(Since the [Plaintiff] talk to both [Defendants] HR Manager and Operations Manager about the termination and learned Colorado, is a At Will State, [Plaintiff] did not challenge it.

April 19<sup>th</sup>, 2021, Letter of termination affective April 26<sup>th</sup>.2012 [Plaintiff] followed all instructions listed on the termination letter. Contacted [Defendant] operations manager Kristen O'Neill, returned her equipment.

Note it has been almost a whole month from the termination letter on April 19<sup>th</sup> 21 - May 14<sup>th</sup>, 2021.

May 14<sup>th</sup>, 2021, doctors' appointment for MMI Rating. [Plaintiff] was given a (15% Whole Person Rating). She was also given two years of continuous maintenance care. Workers Compensation Physician, wanted to give permanent restrictions. [Plaintiff] told the Workers Compensation Physician, there was no need for permanent restriction. [Plaintiff] had already been terminated.

Discharge: s 24-34-402(1)(a)-Disability:

May 15, 2021 [Plaintiff] was contacted by [Defendant] Operations Manager Kristen O'Neill via phone call. [Defendant] asked [Plaintiff] if she has already found a new job? [Plaintiff] answers no.

[Defendant] Operations Manager Kristen O'Neill asked If she would like her job back?

[Plaintiff] answered I was terminated. [Defendant] Operations Manager Kristen O'Neill, said I know and laughed. [Defendant] Operation Manager Kristen O'Neill stated HR called her and told her Ashley Beard was released to full work duties' do you want her back [Defendant] Operation Manager Kristen O'Neill replied Yes. [Plaintiff] was told to contact [Defendant] HR Manager Crystal Rice.

[Plaintiff] calls [Defendant] HR Manager Crystal Rice informing her she has (permanent restrictions) and is willing to return with her restrictions. [Defendant] HR Manager Crystal Rice said, (We have a full work release!), [Plaintiff] reminded her (she was terminated). [Defendant] HR Manager Crystal Rice replied that was a mistake. [Plaintiff] replied was the conversation I had with you before the termination letter an error too! I ask the Doctor not to give me restrictions because I was terminated. [Plaintiff] ask for time to get the restrictions put back in place, [Defendant] HR Manager Crystal Rice agreed, only to add the [Plaintiff] to the schedule demanding she return without restriction.

Note the situation is at no fault of [Plaintiff], she has done what was expected of her up until the date of termination April 26,2021.

Retaliation: s 24-34-402(e)(IV):

2-18-2022 according to T Rowe Price [Plaintiff] is still an active employee on leave. T Rowe Price has made multiple attempts on [Plaintiff] behalf. All notes sent to [Defendant] to confirm employment status returns as, [Plaintiff] is still active employee on leave. Preventing [Plaintiff] from rolling over or withdrawing from her 401K.

11-23-2021 Division of Workers Compensation Settlement

[Brinks] brought forth information from the CCRD claim into the Workers Compensation Settlement. Making my workers compensation lawyer uncomfortable. Creating a conflict of Interest. And adding statements, complaints [Plaintiff] made with the CCRD.



## [Request For Relief]

[There was no accommodation in my case resulting in a permeated disability. I was forced to work in a hostile environment under illegal accommodation restrictions. In addition, I was also discriminated against due to my disability; I was given the nick name (BROKE BACK) which is offensive to me and led to stress, depression and other mental health conditions.

I was harassed not only for my disability, but also because of my skin tone, (I am a dark skin woman). My employment was terminated due to my permanent disability. I'm still being retaliated against as a Brinks employee till this present day, I'm being held hostage as a Brinks employee, restricting me from access to my 401 k for filing a complaint. I am requesting the courts to grant me relief on these matters.

- [My lower back to be insured by Brinks for the rest of my life.]
- [96,000\$ dollars for the 1 1/2 year and counting for being healed hostage as an employee.]
- [Brinks allow me to access my 401 k]
- [20,000 for the pain and suffering I endured while working in hostile condition.]
- [Brinks release me as an employee]
- [Investigate past complaints from other employees for the last ten years.]
- [Have Brink follow the proper employer guiled lines.]
- [Have Brinks follow their own policies.]



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

3300 N. Central Avenue, Suite 690  
Phoenix, AZ 85012-2504  
(602) 661-0041  
TTY (602) 640-5072  
FAX (602) 640-5071

May 10, 2022

Ashley Beard  
9700 Welby Rd #1024  
Thornton, CO 80229

Dear Ms. Beard:

This letter is in response to your request for the U.S. Equal Employment Opportunity Commission (EEOC) to conduct a substantial weight review of your charge (32A-2021-00755).

Based on the review of the information provided during the investigation of your charge by the State, we find the dismissal of your charge by the State was appropriate and consistent with the EEOC's guidance. Further, the review determined that the case was investigated by the State's civil rights agency in accordance with applicable procedures, standards and laws.

We understand that the parties to a charge often have firm views that the available evidence supports their respective position. However, our final actions must comport with our interpretations of the relevant evidence and the laws we enforce. In those situations where an individual disagrees with our final action on a charge, they have the right to pursue the matter in court. The EEOC's Notice of Right to Sue, which is enclosed with this letter, explains your right to pursue the matter in court within 90 days of your receipt. If you do not file a lawsuit within the statutory 90-day period, your right to sue in the matter will expire, and cannot be restored by the EEOC.

Sincerely,

A handwritten signature in black ink, reading "Robin L. Campbell", is positioned above the typed name.

Robin L. Campbell  
State, Local & Tribal Program Manager

Enclosure:  
EEOC Notice of Right to Sue

Enclosure with EEOC Notice of Closure and Rights (01/22)



## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Phoenix District Office  
3300 North Central Avenue, Suite 690  
Phoenix, AZ 85012  
(602) 661-0041  
Website: [www.eeoc.gov](http://www.eeoc.gov)

### **DETERMINATION AND NOTICE OF RIGHTS**

(This Notice replaces EEOC FORMS 161 & 161-A)

Issued On: 05/10/2022

**To:** Ashley Beard  
9700 Welby Road, #1024  
Thornton, CO 80229

Ashley Beard v Brinks, Incorporated  
Charge No: 32A-2021-00755

EEOC Representative and email: Robin Campbell  
State, Local & Tribal Program Manager  
[robin.campbell@eeoc.gov](mailto:robin.campbell@eeoc.gov)

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#### **DETERMINATION OF CHARGE**

The EEOC issues the following determination: The EEOC will not proceed further with its investigation and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge. The EEOC has adopted the findings of the state or local fair employment practices agency that investigated your charge.

#### **NOTICE OF YOUR RIGHT TO SUE**

This is official notice from the EEOC of the dismissal of your charge and of your right to sue. If you choose to file a lawsuit against the respondent(s) on this charge under federal law in federal or state court, **your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice.** Receipt generally occurs on the date that you (or your representative) view this document. You should keep a record of the date you received this notice. Your right to sue based on this charge will be lost if you do not file a lawsuit in court within 90 days. (The time limit for filing a lawsuit based on a claim under state law may be different.)

Please retain this notice for your records.

On behalf of the Commission,

A handwritten signature in black ink, appearing to read "m.l.c.", is written over a horizontal line.

Melinda Caraballo  
Acting District Director

**Cc:**  
Steven Reid



Enclosure with EEOC Notice of Closure and Rights (01/22)

## **INFORMATION RELATED TO FILING SUIT UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court **under Federal law**. If you also plan to sue claiming violations of State law, please be aware that time limits may be shorter and other provisions of State law may be different than those described below.)*

### **IMPORTANT TIME LIMITS – 90 DAYS TO FILE A LAWSUIT**

If you choose to file a lawsuit against the respondent(s) named in the charge of discrimination, you must file a complaint in court **within 90 days of the date you receive this Notice**. Receipt generally means the date when you (or your representative) opened this email or mail. You should **keep a record of the date you received this notice**. Once this 90-day period has passed, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and the record of your receiving it (email or envelope).

If your lawsuit includes a claim under the Equal Pay Act (EPA), you must file your complaint in court within 2 years (3 years for willful violations) of the date you did not receive equal pay. This time limit for filing an EPA lawsuit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, your lawsuit must be filed within 90 days of this Notice **and** within the 2- or 3-year EPA period.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Filing this Notice is not enough. For more information about filing a lawsuit, go to <https://www.eeoc.gov/employees/lawsuit.cfm>.

### **ATTORNEY REPRESENTATION**

For information about locating an attorney to represent you, go to: <https://www.eeoc.gov/employees/lawsuit.cfm>. In very limited circumstances, a U.S. District Court may appoint an attorney to represent individuals who demonstrate that they are financially unable to afford an attorney.

### **HOW TO REQUEST YOUR CHARGE FILE AND 90-DAY TIME LIMIT FOR REQUESTS**

There are two ways to request a charge file: 1) a FOIA Request or 2) a Section 83 request. You may request your charge file under either or both procedures. EEOC can generally respond to Section 83 requests more promptly than FOIA requests. Since a lawsuit must be filed within 90 days of this notice, please submit your request for the charge file promptly to allow sufficient time for EEOC to respond and for your review. Submit a signed written request stating it is a "FOIA Request" or a "Section 83 Request" for Charge Number 32A-2021-00755 to the District Director, 3300 North Central Avenue Suite 690, Phoenix, AZ 85012.

You can also make a FOIA request online at <https://eeoc.arkcase.com/foia/portal/login>. You may request the charge file up to 90 days after receiving this Notice of Right to Sue. After the 90 days have passed, you may request the charge file only if you have filed a lawsuit in court and provide a copy of the court complaint to EEOC. For more information on submitting FOIA Requests and Section 83 Requests, go to: <https://www.eeoc.gov/eeoc/foia/index.cfm>.



Enclosure with EEOC Notice of Closure and Rights (01/22)

## NOTICE OF RIGHTS UNDER THE ADA AMENDMENTS ACT OF 2008 (ADAAA)

The ADA was amended, effective January 1, 2009, to broaden the definitions of disability to make it easier for individuals to be covered under the ADA/ADAAA. A disability is still defined as (1) a physical or mental impairment that substantially limits one or more major life activities (actual disability); (2) a record of a substantially limiting impairment; or (3) being regarded as having a disability. *However, these terms are redefined, and it is easier to be covered under the new law.*

If you plan to retain an attorney to assist you with your ADA claim, we recommend that you share this information with your attorney and suggest that he or she consult the amended regulations and appendix, and other ADA related publications, available at: [http://www.eeoc.gov/laws/types/disability\\_regulations.cfm](http://www.eeoc.gov/laws/types/disability_regulations.cfm).

### “Actual” disability or a “record of” a disability

If you are pursuing a failure to accommodate claim you must meet the standards for either “actual” or “record of” a disability:

- ✓ **The limitations from the impairment no longer must be severe or significant** for the impairment to be considered substantially limiting.
- ✓ In addition to activities such as performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, thinking, concentrating, reading, bending, and communicating (more examples at 29 C.F.R. § 1630.2(i)), **“major life activities” now include the operation of major bodily functions**, such as: functions of the immune system, special sense organs and skin; normal cell growth; and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions; or the operation of an individual organ within a body system.
- ✓ **Only one** major life activity need be substantially limited.
- ✓ Except for ordinary eyeglasses or contact lenses, the beneficial effects of **“mitigating measures”** (e.g., hearing aid, prosthesis, medication, therapy, behavioral modifications) **are not considered** in determining if the impairment substantially limits a major life activity.
- ✓ An impairment that is **“episodic”** (e.g., epilepsy, depression, multiple sclerosis) or **“in remission”** (e.g., cancer) is a disability if it **would be substantially limiting when active**.
- ✓ An impairment **may be substantially limiting even though** it lasts or is expected to last **fewer than six months**.

Enclosure with EEOC Notice of Closure and Rights (01/22)

### **“Regarded as” coverage**

An individual can meet the definition of disability if an **employment action was taken because of an actual or perceived impairment** (e.g., refusal to hire, demotion, placement on involuntary leave, termination, exclusion for failure to meet a qualification standard, harassment, or denial of any other term, condition, or privilege of employment).

- ✓ “Regarded as” coverage under the ADAAA no longer requires that an impairment be substantially limiting, or that the employer perceives the impairment to be substantially limiting.
- ✓ The employer has a defense against a “regarded as” claim only when the impairment at issue is objectively **both** transitory (lasting or expected to last six months or less) **and** minor.
- ✓ A person is not able to bring a failure to accommodate claim **if** the individual is covered only under the “regarded as” definition of “disability”.

***Note:** Although the amended ADA states that the definition of disability “shall be construed broadly” and “should not demand extensive analysis,” some courts require specificity in the complaint explaining how an impairment substantially limits a major life activity or what facts indicate the challenged employment action was because of the impairment. Beyond the initial pleading stage, some courts will require specific evidence to establish disability. For more information, consult the amended regulations and appendix, as well as explanatory publications, available at [http://www.eeoc.gov/laws/types/disability\\_regulations.cfm](http://www.eeoc.gov/laws/types/disability_regulations.cfm).*

My name is Ella Lowenberg and I have been with brinks for almost 4 years. I've worked many positions at brinks, and it was the vault position at brinks that allowed me to work closely with Ashley. She injured herself while lifting at work, and her restrictions were not fully respected. The weight of the bags of money depended on the size of the bag and how much money the customer put in it. The vault supervisors Chris and Jeremy had her lifting still and were calling her names, now there were time we were understaffed however that should not be reason for not following restrictions of someone who is injured. She loved working vault but because of her treatment and her back it limited her



**COLORADO**

**Department of  
Regulatory Agencies**

Colorado Civil Rights Division

Sent via email.

March 25, 2022

Ashley Beard  
9700 Welby Rd #1024  
Thornton, CO 80229  
ashleybeardzzz@gmail.com

RE: Complaint No E2200012659  
Ashley Beard v. Brink's Incorporated

Dear Ashley Beard:

This letter is to inform you that the Colorado Civil Rights Commission has reviewed your appeal. The Commission has determined that there is insufficient basis to warrant further action and has affirmed the director's decision of no probable cause.

If your case was an employment discrimination matter, dual filed with the Equal Employment Opportunity Commission (EEOC), you have the right to request a substantial weight review of your file by the EEOC. You must send your request in writing, within 15 days of the date of this notice. Please refer to the form that was included in an earlier mailing to you that provides complete instruction on how to obtain this review by the EEOC.

If you wish to file a civil action in a district court in this state, which action is based on the alleged discriminatory or unfair practice that was the subject of the charge filed with the Commission, you need to file within 90 days of the date of this mailing pursuant to CRS 24-34-306(2)(b)(I)(B & C).

Pursuant to CRS 24-34-306 (2) (b) (I) if you as the Charging Party do not file such an action within the time limits specified above, such action will be barred and no State District Court shall have jurisdiction to hear such action.

On behalf of the Commission,

A handwritten signature in black ink, appearing to read "Aubrey L. Elenis".

Aubrey L. Elenis, Esq.  
Director

cc: Mike Bell, mike.bell@ogletree.com  
Steven Reid, steven.reid@ogletree.com





Sent via email.

March 8, 2022

Ashley Beard  
9700 Welby Rd #1024  
Thornton, CO 80229  
ashleybeardzzz@gmail.com

Brink's Incorporated  
2203 Uravan Street  
Aurora, CO 80011  
Mike Bell, mike.bell@ogletree.com  
Steven R. Reid, steven.reid@ogletree.com

RE: Complaint No E2200012659  
Ashley Beard v. Brink's Incorporated

Dear Parties:

Pursuant to §24-34-306(2)(b)(I)(A), C.R.S., and Rule 10.6(A)(1) of the Colorado Civil Rights Commission Rules of Practice and Procedure, an appeal by the Charging Party regarding the above-referenced charge was timely filed and accepted. A copy of the appeal is enclosed.

The Respondent(s) or their legal representative may file a written statement in opposition to this appeal. Any statement must be received **March 18, 2022**, in order to be considered by the Commission. For your convenience, you may fax or email any objection to the attention of the Commission Coordinator at (303) 894-7830 or [adriana.carmona@state.co.us](mailto:adriana.carmona@state.co.us).

After all information and documentation is received, the Commission will conduct a thorough review of the appeal during its monthly meeting scheduled on **March 25, 2022**. In its review during the meeting, the Commission will determine whether to: uphold the Director's determination and dismiss the charge; remand the case to the Division for further investigation on a specific issue; or reverse the Director's determination. The parties will then be notified in writing of the Commission's decision on appeal.

If the date shown above is changed, the parties will be contacted as soon as possible. If you have any questions about the appeal process, please contact Adriana Carmona, Appeal and Commission Coordinator at (303) 894-7805.







## **COLORADO**

**Department of  
Regulatory Agencies**

Colorado Civil Rights Division

**Charge No. E2200012659**

**Ashley Beard  
9700 Welby Rd #1024,  
Thornton, CO 80229**

**Complainant**

**Brink's Incorporated  
2203 Uravan Street  
Aurora, CO 80011**

**Respondent**

### **DETERMINATION**

#### **Jurisdiction**

Under the authority vested in me by C.R.S. 24-34-306(2), I conclude from our investigation that there is insufficient evidence to support the Complainant's claims of discrimination. As such, a **No Probable Cause** determination is hereby issued.

The Respondent is an employer within the meaning of C.R.S. 24-34-401(3), as re-enacted, and the timeliness and all other jurisdictional requirements pursuant to Title 24, Article 34, Parts 3 and 4 have been met.

The Respondent is a cash management company, which operates within the State of Colorado, and has over 15 employees.

#### **Allegations and Defenses**

The Complainant alleges that in or around March 2021, she was harassed in her position of Vault Personnel based on her disability (lower back impairment), and/or in retaliation for engaging in protected activity. Moreover, the Complainant alleges that on or about April 19, 2020, she was discharged effective on or about April 26, 2021. Moreover, the Complainant alleges that on or about June 30, 2021, she was refused a reasonable accommodation based on her protected classes and/or in retaliation for engaging in protected activity. Finally, the Complainant alleges that on or about July 7, 2021, she was discharged for the second time based on her protected classes and/or in retaliation for engaging in protected activity.

The Respondent denies the Complainant's allegations of discrimination, harassment, and retaliation, and avers that it accommodated the Complainant's various restrictions related to a Workers' Compensation injury, which occurred in or about

October 2019, with light duty, and a part-time schedule until in or about April 2020, when her physician requested continuous leave. The Respondent avers that after nearly a year of leave, “due to an administrative error,” it sent the Complainant a letter on or April 19, 2021, which advised her that she was discharged effective on or about April 26, 2021. The Respondent avers that when it received a letter from the Complainant’s physician on or about May 18, 2021, releasing her to return to work without restrictions, it informed her on or about the next day, May 19, 2021, that her discharge was in error. The Respondent avers when it reached out to return to her to the schedule, the Complainant replied on or about May 21, 2021, that she was “ready and willing to return back to work within [her] restrictions,” but since the Respondent discharged her on or April 26, 2021, she was “no longer” an employee, “[a]nd any attempt to over turn [sic] that decision is unlawful.” The Respondent avers that although the Complainant, thereafter, refused to return its attempts to contact her to return to work, it has not discharged her from its system.

#### Relevant Policies and Comparative Data

The Respondent has an Equal Employment Opportunity (“EEO”), Anti-Discrimination, and Anti-Harassment policy, which prohibits discrimination or harassment on the basis of certain protected classes, expressly including disability. All employees are directed to report any alleged violations of these policies to their manager or anyone in their chain of command, anyone in the Human Resources Department, or through the Respondent’s Direct Access Program or Ethics Hotline. Moreover, the Respondent has a non-retaliation policy, which prohibits retaliation against an employee for complaints regarding suspected harassment or discrimination. Finally, as part of the Legal Compliance policy, the Respondent has a Reasonable Accommodations policy, which ensures reasonable accommodations for qualified individuals and directs employees to contact their manager and/or the Human Resources Department to request accommodations. The Respondent avers that these policies were provided to the Complainant, and all other employees, as part of its Employee Handbook.

The Respondent avers that it does not track or record the disability statuses of its employees; therefore, there is no meaningful comparative data available. Additionally, the Respondent acknowledges that it has received four other complaints of discrimination or harassment from other employees, during the relevant period; one of which was substantiated and resulted in discharge, as noted; two which resulted in training; and one, against Captain Timothy Palmer (“Captain Palmer”) (no known disability), Jail Captain, in which no discriminatory or harassing behavior was found.

#### Legal Framework

1. The Complainant has the burden of proving each element of a prima facie case by a preponderance of the evidence.
2. If the Complainant establishes a prima facie case, there is a presumption of



unlawful discrimination. The burden shifts to the respondent to articulate a legitimate, non-discriminatory reason for its action.

3. If the Respondent provides a legitimate, non-discriminatory reason for its action, the burden shifts back to the Complainant to show by a preponderance of the evidence that the legitimate reason asserted by the Respondent is pretext (i.e., unworthy of belief). Pretext may be proven by showing:
  - a. evidence that the Respondent's stated reason for the adverse action was false;
  - b. evidence that the Respondent acted contrary to policy; or
  - c. evidence of different treatment of similarly situated persons.

In general, a burden-shifting framework of proof applies in discrimination cases, which requires both the Complainant and the Respondent to prove specific elements of each claim. If the Complainant meets the burden of proving the initial elements of a claim ("prima facie case"), then the burden shifts to the Respondent to justify the action challenged by the Complainant. If the Respondent is able to provide a legitimate, non-discriminatory reason for the action taken, the burden shifts back to the Complainant to prove that the reason asserted by the Respondent is merely a pretext or cover-up for discrimination. Colorado Civil Rights Commission v. Big O Tires, Inc., 940 P.2d 397 (Colo. 1997); Ahmad Bodaghi and State Board of Personnel, State of Colorado v. Department of Natural Resources, 995 P.2d 288 (Colo. 2000).

### Analysis

#### Disability discrimination: § 24-34-402(1)(a):

1. The Complainant is a person with a disability, meaning they: have a physical or mental impairment that substantially limits one or more major life activities, have a record of a disability, or are regarded as having a disability.
2. The Respondent knew or should have known that the Complainant is a person with a disability.

The record supports that the Complainant injured her back at work in or around October 2019 and had various restrictions from her Workers' Compensation physician including lifting restrictions, requirements that she work part-time, and ultimately a "no work restriction" on or about April 8, 2020. As noted above, the Respondent admits that it discharged the Complainant, in error, on or about April 19, 2021. The Complainant alleges that she requested her physician release her without restrictions on or about May 18, 2021, to help her find other employment, and so when the Respondent contacted her on or about the next day, May 19, 2021, to discuss her return to work, she advised that she would have permanent restrictions preventing her from lifting anything greater than 10 pounds. Generally speaking, a lower back injury may be qualifying disability as it may substantially limit the major life activity

of lifting, among others. The evidence shows that the Respondent knew the Complainant is a person with a disability.

The Complainant's individual claims of adverse employment action are analyzed below.

Failure to Accommodate a Disability: § 24-34-402(1)(a):

1. The Complainant is a person with a disability or a record of a disability;
2. The Complainant is otherwise qualified for the position;
3. The Complainant requested a plausibly reasonable accommodation; and
4. The Respondent refused to provide the accommodation.

If the Complainant establishes a prima facie case, the burden of production shifts to the Respondent to either:

1. Rebut one or more elements of the Complainant's prima facie case; or
2. Establish that the requested accommodation poses an undue hardship or a direct threat.

If the Respondent meets this burden, the Complainant must produce evidence of his or her individual capabilities and suggestions for possible accommodations to rebut the Respondent's evidence, as the Complainant ultimately has the burden of proof of discrimination.

The Complainant is a member of a protected class based on her disability (lower back injury). The evidence does not support that the Complainant was otherwise qualified for her position of Vault Personnel; rather, the evidence supports that the Complainant's back injury prevented her from performing essential functions of the Vault Personnel position, and the Respondent provided various accommodations based on the Complainant's evolving restrictions, including part-time hours, light duty, and leave for over a year. In particular, the evidence supports that the Complainant first requested accommodations for her back on or about October 4, 2019, when she submitted a Workers' Compensation form with restrictions for her back injury. The evidence supports that the Respondent accommodated the Complainant's lifting and hour restrictions with a part-time, light duty position as a Turret Guard, until on or about April 4, 2020, when she was placed on a "no work" restriction and granted a medical leave of absence.

The evidence supports that the Respondent sent a letter to the Complainant on or about March 19, 2021, which stated that since she had been on leave since April 7, 2020, her job-protected leave expired on or about October 7, 2020, and they were "unable to provide [her] with an indefinite leave of absence, [as the Respondent's] policies typically limit leaves to a maximum of 6 months, absent the approval of a reasonable accommodation to the contrary." The letter advised that if the Respondent did not hear from the Complainant before on or about April 19, 2021, she



would be discharged. The evidence supports that on or about April 19, 2021, the Respondent sent the Complainant a letter, which discharged her effective on or about April 26, 2021. The Respondent avers that the letter was an administrative error, and the evidence supports that the Complainant had contacted the Respondent prior to April 19, 2021, as requested. However, the evidence also supports that the Complainant advised her supervisor, Kristine O'Neill, ("O'Neill") (no known disability), Operations Manager, on or about April 19, 2021, that she had her doctor's appointment and "wouldn't know anything for another [three] weeks." The evidence supports that the Complainant turned in her badges and jacket on or about April 26, 2021, based on the April 19, 2021, discharge letter. Regardless of whether the Complainant's discharge in the April 19, 2021, letter was in error or intentional, the evidence supports that the Respondent had a legitimate reason for discharging the Complainant on or about April 19, 2021; namely, the Complainant's extended, indefinite leave, and her inability to perform the essential functions of her position.

The Respondent avers that when it received a letter from the Complainant's physician on or about May 18, 2021, releasing her to return to work without restrictions, it informed her on or about the next day, May 19, 2021, that her discharge was in error, and contacted her to return to work. As noted above, the Complainant alleges that she requested her physician release her without restrictions on or about May 18, 2021, to help her find other employment, and so when the Respondent contacted her on or about the next day, May 19, 2021, to discuss her return to work, she advised that she had permanent restrictions preventing her from lifting anything greater than 10 pounds. The Respondent avers that it requested paperwork with restrictions and when it reached out to return to her to the schedule, the Complainant replied on or about May 21, 2021, that she was "ready and willing to return back to work within [her] restrictions," but since the Respondent discharged her on or April 26, 2021, she was "no longer" an employee, "[a]nd any attempt to over turn [sic] that decision is unlawful." The Respondent avers that, although the Complainant refused to return its attempts to contact her to return to work thereafter, it has not discharged her from its system.

The evidence, including text messages submitted to the Division, support that the Complainant texted O'Neill on or about May 20, 2021, that she had spoken with Crystal Rice-Minor, ("Rice-Minor") (no known disability), Leave of Absence Manager, on or about the day before and was "told to get some paperwork from [her] doctor today," and that she was "just waiting for [the Respondent's insurance provider] to email [her] the information that is needed so that [she] can return to work." The evidence supports that the Complainant texted O'Neill requesting Rice-Minor's email address on or about the next day, May 21, 2021, and when provided the email address, the Complainant emailed, as quoted above. Both O'Neill and Rice-Minor reported in their interviews with the Division that thereafter, the Complainant never responded to their requests to return her to the schedule, nor provided any additional medical information or restrictions from her physician. The text messages and emails further support that the Complainant never responded to O'Neill's last text asking her



to return to work on or about June 3, 2021, and only responded to Rice-Minor's requests to call her on or about July 6, 2021, that she had followed her discharge letter and was discharged on April 26, 2021. There is no evidence to support that the Respondent denied a reasonable accommodation request from the Complainant. The evidence does not support a claim of the failure to accommodate a disability.

Harassment- Hostile Work Environment: § 24-34-402(1)(a)- Disability:

1. The Complainant belongs to a protected class;
2. The Complainant was subjected to adverse treatment based on the protected class;
  - a. the treatment was unwanted or unwelcome;
  - b. the treatment was subjectively and objectively unreasonable; and
  - c. the treatment was severe or pervasive.
3. The treatment had the purpose or effect of creating a hostile, intimidating, or offensive work environment.
4. The Respondent is liable unless it establishes an affirmative defense that
  - a. The Respondent exercised reasonable care to prevent and promptly correct the harassment; and
  - b. The Complainant failed to take advantage of any preventative or corrective opportunities provided by the Respondent.

The Complainant is a member of a protected class based on her disability (lower back injury). The Complainant alleges that in or around March 2021, she was harassed based on her disability when the Respondent requested a return to work date from her leave of absence and when she was unable to provide one, discharged her in a letter on or about April 19, 2021. As noted above, the evidence supports that when the Complainant's physician released the Complainant to return to work without restrictions on or about May 18, 2021, the Respondent contacted the Complainant and requested she return to work and that when she informed them she would have restrictions, Rice-Minor requested paperwork from the Complainant's physician and the Complainant instead emailed Rice-Minor that it was "unlawful" to overturn her discharge and thereafter, ignored the Respondent's communications. Requesting medical paperwork from the Complainant regarding her return to work date and restrictions is not objectively unreasonable; severe or pervasive treatment with the purpose or effect of creating a hostile, intimidating, or offensive work environment. The evidence does not support a claim of hostile environment harassment.

Discharge: § 24-34-402(1)(a)-Disability:

1. The Complainant belongs to a protected class;
2. The Complainant was satisfactorily performing the job at issue;
3. The Complainant was discharged; and,

4. The circumstances give rise to an inference of unlawful discrimination.

The Complainant is a member of a protected class based on her disability (lower back injury). As noted above, the evidence supports that the Complainant was on a “no work” restriction for over a year, from on or about April 4, 2020 to April 26, 2021, when she was discharged in a letter from the Respondent on or about April 19, 2021, and that the Complainant has permanent restrictions preventing her from lifting more than ten pounds. The evidence supports that the Complainant is therefore unable to perform multiple essential functions of her Vault Personnel position, which required the ability to lift over 50 pounds. Further, the evidence supports that the Respondent previously attempted other accommodations for the Complainant, whereby her coworkers would lift heavy items outside her restrictions for her, and she would just “run routes;” however, the Complainant reported in her interview with the Division that in March 2020, she reported to the Respondent that she was unable to perform that function as well due to her back pain, which lead to her leave at the beginning of April 2020. The Respondent avers that the Complainant ignored its attempts to contact her to return to work, and/or provide updated restrictions in or about June 2021, however, it still has not discharged her from its system. The evidence does not support a claim of discriminatory discharge.

Retaliation: § 24-34-402(e)(IV):

1. The Complainant (or an individual within the Complainant’s zone of interest) engaged in protected activity by either opposing unlawful discrimination or participating in an investigation of discrimination;
2. The Complainant was subjected to adverse treatment that would dissuade a reasonable person from engaging in protected activity; and
3. There is a causal connection between the protected activity and the adverse treatment.

The evidence supports that the Complainant engaged in protected activity when she began requesting accommodations for her back injury on or about October 4, 2019, which the Respondent accommodated in various ways until she had been on leave for over a year and was unable to state a return to work date. As discussed above, the evidence supports that the Respondent accommodated the Complainant’s restrictions for a year and a half total, and further, that the Complainant could no longer perform essential functions of her position, either with or without a reasonable accommodation, as her restrictions are now permanent, and the Complainant acknowledged in her interview with the Division that she informed the Respondent in or about May 2021 that she is unable to perform the Vault Personnel position. As noted above, the evidence supports that the Complainant was discharged on or about April 19, 2021, effective April 26, 2021, due to either error, or her inability to state a return to work date after having been on leave for over a year. Further, the Respondent avers that since it informed the Complainant that her discharge was “an administrative error” on or about May 19, 2021, it has taken no adverse action, and



has not discharged her from its system, despite her refusal to return its contact attempts, provide updated restrictions, or return to work thereafter. There is no evidence to support a causal connection between the Complainant's protected activity and the purported adverse treatment, as the evidence supports that the Respondent accommodated the Complainant for a year and a half, and the Complainant refused to respond to the Respondent regarding her return to work after May 21, 2021. The evidence does not support a claim of retaliation for engaging in protected activity.

Based on the evidence contained above, I determine that the Respondent has not violated C.R.S. 24-34-402, as re-enacted.

#### Appeal and Dismissal Information

In accordance with C.R.S. 24-34-306(2)(b)(I)(A) and Rule 10.6(A)(1) of the Commission's Rules of Practice and Procedure, the Complainant may appeal the dismissal of this claim to the Commission within ten (10) days, as set forth in the enclosed form.

If the Complainant wishes to file a civil action in a district court in this state, which action is based on the alleged discriminatory or unfair practice that was the subject of the charge filed with the Division, such must be done:

- a. Within ninety (90) days of the mailing of this notice if no appeal is filed with the Colorado Civil Rights Commission or
- b. Within ninety (90) days of the mailing of the final notice of the Commission dismissing the appeal.

If the Complainant does not file an action within the time limits specified above, such action will be barred and no State District Court shall have jurisdiction to hear such action. C.R.S. § 24-34-306(2)(b)(I)(C).

On Behalf of the Colorado Civil Rights Division

/s/ Courtney Longtin  
Aubrey Elenis, Director  
Or Authorized Designee

February 22, 2022  
Date

7/26/2021

Print Preview

BEARD, Ashley DOB: 06/29/1986 (35 yo F) Acc No. 18775 DOS: 06/15/2021

**Beard, Ashley**

34 Y old Female, DOB: 06/29/1986

Account Number: 18775

9700 Wehly Rd Apt 1024, Thornton, CO-80229

Home: 720-291-3098

Insurance: Gallagher Bassett

Referring: John T Sacha, MD

Appointment Facility: Mile High Sports and Rehabilitation Medicine

06/15/2021

Follow-up Medical Evaluation: John T. Sacha, MD

**History of Present Illness****Interim Report:**

Location: Mile High Sports &amp; Rehabilitation Medicine

I did to a maintenance followup visit today for Ashley Beard. This patient, as you may recall, had a lumbar spine surgery, eventually had her case closed, was placed at maximum medical improvement, and is now on maintenance care. Since last being seen, she does want permanent work restrictions. She is going to look for a new sedentary type job. She does not feel she can do her prior job.

Medications: Tramadol, Lyrica, and diclofenac.

**Occupational History:**

Work status: Looking for a light-duty, sedentary-type job.

**Current Medications**

Taking

- traMADol HCl
- Lyrica
- Diclofenac

**Allergies**

N.K.D.A.

**Review of Systems**

A 4 system Review of Systems was completed by the patient and reviewed today.

CARDIOVASCULAR: denies chest pain or pressure, fainting, irregular heartbeat.

RESPIRATORY: denies congestion, cough, shortness of breath, wheezing.

MUSCULOSKELETAL: denies joint pain, muscle pain or swelling.

NEUROLOGICAL: denies headache, lightheadedness, numbness, tingling or weakness.

PATIENT REPORTS:.

**Vital Signs**

Temp 97.3 F, HR 71 /min, BP 80/60 mm Hg, Wt 125 lbs, BMI 22.14 Index, Ht 5'3", Oxygen sat % 97 %, Ht-cm 160.02 cm, Wt-kg 56.7 kg.

**Examination****OBJECTIVE FINDINGS:**

CUTANEOUS: No peripheral edema, swelling, or erythema.

LUMBAR SPINE: She has lumbar paraspinal spasm. A well-healed surgical scar over the lumbar spine. Pain with straight leg raise and neural tension testing. Negative bowstring test. Mild pain with extension and extension/rotation.

**Diagnosis**

1. Occipital neuralgia, unspecified laterality - M54.81
2. Failed back syndrome, cervical - M96.1



7/26/2021

Print Preview

**BEARD, Ashley DOB: 06/29/1986 (35 yo F) Acc No. 18775 DOS: 06/15/2021**

**IMPRESSION:**

1. Lumbar radiculopathy.
2. Post laminectomy syndrome.
3. Opioid use, uncomplicated.

**PLAN:**

1. Diclofenac 75 mg p.o. b.i.d.
2. Increase the patient's Lyrica to 150 mg p.o. b.i.d.
3. Discontinue the tramadol.
4. Chiropractic 6-8 visits for symptom control with traction.
5. Work restrictions.

**WORK RESTRICTIONS**

Work restrictions are as follows and are based on current clinical status and patient report: No lifting over 10 pounds. Bending and twisting on an occasional basis. No crouching or crawling.

**Treatment****1. Others**

Referral To: Kyle Stengel Chiropractor

Reason: Chiro x 8 visits w/ Stengel

Electronically signed by John Sacha , M.D. on 06/30/2021 at 09:32 AM MDT

Sign off status: Completed

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Mile High Sports and Rehabilitation Medicine  
2490 W. 26th Avenue  
Suite 10-A  
Denver, CO 80211-3874  
Tel: 303-331-6744  
Fax: 303-331-6839

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**Progress Note: John T. Sacha, MD 06/15/2021**

**COLORADO DEPARTMENT OF LABOR AND EMPLOYMENT  
DIVISION OF WORKERS' COMPENSATION**

**PHYSICIAN'S REPORT OF WORKER'S COMPENSATION INJURY**

**A COPY OF THIS REPORT MUST BE SENT TO THE INJURED WORKER AND THE INSURER.**

**1. REPORT TYPE** ☐ Initial ☐ Progress ☒ Closing

**EXAM DATE** 05/18/2021

**2. CASE INFORMATION**

Date of Injury 10/01/19

Insurer Claim # 006098-152573-WC-01

Injured Worker Ashley Beard

Insurer Name/TPA Gallagher Bassett

Social Security # 524496338

Insurer Phone/Fax 8663245585

Date of Birth 06/29/1986

Employer Name Brinks Inc

**3. INITIAL VISIT (only)**

a. Injured worker's description of accident/injury

Back injury

b. Are your objective findings consistent with history and/or work-related mechanism of injury/illness? ☒ Yes ☐ No

**4. CURRENT WORK STATUS** ☐ Working ☒ Not Working

Left sacral radiculopathy (M54.18), Lumbar disc herniation (M51.26), Situational depression (F43.21), Strain of lumbar region, initial encounter (S39.012A), History of back surgery (Z98.890)

**5. WORK-RELATED MEDICAL DIAGNOSIS(ES)**

**6. PLAN OF CARE**

**a. TREATMENT PLAN**

☐ Diagnostic tools/tests

☐ Procedures

☐ Therapy

☐ Medications

☐ Supplies

☐ Other

**b. WORK STATUS**

☒ Able to return to full duty on

05/18/2021

☐ Able to return to modified duty from

to

☐ Unable to work from

to

☐ Able to return to part time work on

for

hours per day

**c. LIMITATIONS/RESTRICTIONS**

☒ No Restrictions

☐ Temporary Restrictions

☐ Permanent Restrictions

☐ Lifting (maximum weight in pounds)

lbs.

☐ Walking

hours per day

☐ Repetitive lifting

lbs.

☐ Standing

hours per day

☐ Carrying

lbs.

☐ Sitting

hours per day

☐ Pushing / Pulling

lbs.

☐ Crawling

hours per day

☐ Pinching / Gripping

☐ Kneeling

hours per day

☐ Reaching over head

☐ Squatting

hours per day

☐ Reaching away from body

☐ Climbing

hours per day

☐ Repetitive Motion Restrictions

☐ Other

**7. FOLLOW UP CARE AND REFERRALS - \*7c. requires a notice by certified mail to insurer & patient within 3 business days. (See Instructions)**

a. ☐ Return Appointment Date

b. ☐ Referral for ☐ Treatment (specify)

☐ Evaluation (specify)

☐ Impairment Rating

☐ Other (specify)

Referred Provider's Name

Phone #

c. ☐ Discharged for Non-Compliance\*

☐ Discharged from Care for Nonmedical Reasons\*

**8. MAXIMUM MEDICAL IMPROVEMENT (MMI)**

☒ Injured Worker has reached MMI Date of MMI 05/18/2021

☐ Injured Worker is not at MMI, but is anticipated to be at MMI in/on

☐ MMI date unknown at this time because

**9. MAINTENANCE CARE AFTER MMI**

☒ Yes ☐ No

If yes, specify care: Maintenance care: We will discharge her to our maintenance medication program, she should be allowed a gym and pool pass for 12-month timeframe, medications over the next 12-24 months,

**10. PERMANENT MEDICAL IMPAIRMENT (REQUIRED)**

☐ No permanent impairment

☒ Permanent Impairment (attached required worksheets and narrative)

☐ Anticipate permanent impairment

☐ Needs referral to Level II physician for impairment rating (see 7b above)

**11. PHYSICIAN'S SIGNATURE** [Signature]

Date of Report 05/18/2021

Print Name

DR0050274

Phone # (720)-859-6139

## CMC-Aurora Southeast

10355 E Iliff Avenue Aurora, CO 80247

Service Date: 05/10/2021

Claim Number: 006098-152573-W

Phone: 303-755-4955

Fax: 303-755-4956

Case Date: 10/01/2019

**Work Activity Status Report**

Patient: Ashley Beard

Last 4 Digits of SSN: 6338

Date of Birth: 06/29/1986

Address: 9700 Welby Rd THORNTON, CO  
80229

Employer Location: Brinks #B0175 Denver

Contact: Saul Sanchez

Home: (720) 291-3096 (H)

Address: 2203 Uravan St Aurora, CO  
80011-3507

Role: Primary Contact

Work:

Authorized by: Auth form//brought in

Phone: 303-726-7071

Fax: 0-0-0000

**THIS VISIT**

Visit Type: Recheck

Time In: 03:46:00 PM

Time Out: 04:36:46 PM

Treating Clinician: John Sacha, M.D.

**Diagnoses:**

History of back surgery (Z98.890)

Left sacral radiculopathy (M54.18)

Lumbar disc herniation (M51.26)

Strain of lumbar region, initial encounter (S39.012A)

Situational depression (F43.21)

**Medications:**☐ Dispensed prescription medication to patient☐ Dispensed over-the-counter medication☒ Written prescription given to patient**PATIENT STATUS****Employer Notice:** The prescribed activity recommendations are suggested guidelines to assist in the patient's treatment and rehabilitation. Your employee has been informed that the activity prescription is expected to be followed at work and away from work.**Treatment Status:**

Returning for follow-up: IR done, Released from specialist, Going to Dr Sacha's Private office...JP

**Work Status:**

N/A (FOR THERAPY USE ONLY)

N/A

**Activity Prescription:**Key: **Occasionally** = up to 3 hrs/day; **Frequently** = up to 6 hrs/day; **Constantly** = up to 8 hours or greater per day

\*Based on the Department of Labor definitions

**NEXT VISIT(S)**

Visit Date and Time:

Visit Type:

Clinician:

**Patient Notice:** It is essential to your recovery that you keep your scheduled appointments, but should you need to reschedule or cancel, please contact the clinic. Thank you for your cooperation.

05/18/2021 02:30 PM

Medical Therapy Specialist

✓

Marie T Mueller, C-NP



Brink's US  
A Division of Brink's, Incorporated  
Denver Branch  
2203 Uravan Street  
Aurora CO 80017

A Subsidiary of The Brink's Company

November 5, 2019

Ashley Beard  
9700 Welby Road  
Thornton, CO 80229

Re: **Modified Work Program – Offer of Transitional Employment**  
Date of Injury: 10/01/2019  
Claim Number: 006098 XXXXXX WC 01

Dear Ms. Beard:

Your attending physician has certified that you are able to work with certain temporary restrictions while you are still under active medical treatment and recovering from your industrial injury. Your temporary restrictions are:

**May lift up to 10 lbs occasionally; May push/pull up to 20 lbs occasionally; May bend occasionally; Patient may work only 6 hours/day. Please allow change in position (sitting to standing, etc.) as needed every hour for symptoms.**

We are pleased to offer you transitional employment on a temporary basis as a Turret Guard that will accommodate your current physical capacities and assist you in your recovery. Please review the attached transitional job description approved by your health-care provider on November 5, 2019, which describes your job duties.

**Modified Job Offer Details:**

<b>Job Title:</b>	Turret Guard
<b>Wage:</b>	\$16.75/hour
<b>Start Date:</b>	Tuesday, November 5, 2019
<b>Location:</b>	Denver Branch (Aurora, CO)

**1. WORK ASSIGNMENT**

Turret Guard (may also assist in vault to check in routes and key manifests)

**2. WORK SCHEDULE**

Monday through Friday 12:00 noon to 6:00 pm



I, Ashley Beard, have read and understand the above information

☒ I accept this temporary transitional/modified employment as offered

Ashley Beard  
Printed Name

K. O'Neill  
Witness

[Signature]  
Signature

K. O'Neill  
Signature

11-5-19  
Date

Notes: Employee is requesting to wait until  
MRI results to check-in routes.

☐ I reject entry into the modified work program. Reason:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



Brink's U.S.  
A Division of Brink's, Incorporated  
Denver Branch  
2200 W. W. Street  
Aurora CO 80011

A Subsidiary of The Brink's Company

November 5, 2019

**VIA FACSIMILE 720-859-3294**

Jordan M. Maas, PA-C  
Concentra Medical Centers  
3449 Chambers Road, Suite B  
Aurora, CO 80011

Re: **Modified Work Program – Offer of Transitional Employment**  
Date of Injury: 10/01/2019  
Claim Number: 006098 XXXXX WC 01

Dear Treating Physician:

We would appreciate it if you would consider the restricted duty for our employee Ashley Beard. Please review the transitional job description and advise your approval by signing off on this letter below.

**WORK ASSIGNMENT**

Building Turret Guard

**WORK SCHEDULE**

Monday through Friday

Any questions or concerns, please contact me directly.

Sincerely,

Kristine O'Neill  
CTT Operations Manager  
Denver Branch

---

This offer of Transitional Duty has been reviewed and approved by:

Physician Name

Physician Signature

Date

2:25

43%

< Kris  
+13033198942



Thursday, March 25, 2021

Everything looks well on my MRI. I'm still working through PT. I should be able to return to work soon with restrictions. I'm just not sure on the date. I also received a letter from HR.

12:47 PM



I don't think they'll let you return with restrictions. What did the letter from HR say?

12:48 PM

### BRINKS

LETTER OF ACCOMMODATION

March 19, 2021

Ashley Beard  
8700 Wadby Rd, Unit 1024  
Thornton, CO 80229

Dear Ms. Beard:

Your Brink's, Incorporated ("Brink's") employment has been on a leave of absence status since April 7, 2020. As we are unable to provide you with an indefinite leave of absence, Brink's policies typically limit leaves to a maximum of 6 months, absent the approval of a reasonable accommodation to the company. Your current two-job protected leave of absence reached six months on October 7, 2020 and we have not received information from you regarding any impending availability to return to active employment, with or without reasonable accommodation.

If this information is in error, or you wish to discuss potential reinstatement opportunities at your prior location or elsewhere or other potential accommodations of your circumstances, please contact Crystal Rice-Minor, Human Resources Manager of Leave of Absence (215) 280-3684 on or before April 19, 2021 to initiate a mutual discussion regarding available options. Please note that, due to the extended duration of your leave, any reinstatement will be subject to position availability.

If we do not hear from you on or prior to April 19, 2021 regarding discussing potential opportunities for your return to active employment or other potential accommodations of your circumstances, Brink's will be moving forward with the administrative termination of your employment on April 19, 2021.

In the event of the termination of your employment, you will be instructed to return any company property or data remaining in your custody or control at such time. You will receive information regarding any benefit continuation or employee benefit plan elections available to you at the conclusion of your Brink's employment. Please be reminded that, as positions become available, Brink's regularly posts employment opportunities on its website. You are encouraged to submit an application for any position for which you are qualified and wish to be considered for.

Please do not hesitate to contact me should you have any questions.

Sincerely,

*Crystal Rice-Minor*

Crystal Rice-Minor  
Human Resources Manager - Leave of Absence  
(215) 280-3684

12:49



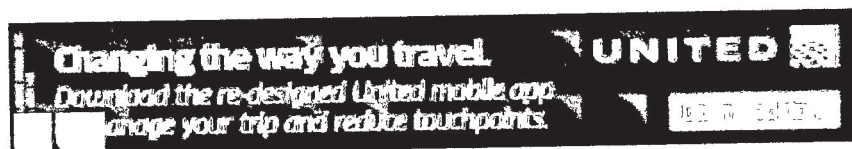


00:00 / 00:54

Speaker OFF



to come to work on Monday I to ...  
because we have that you have a full  
clearance H R is saying you have to  
return the work so your schedule for  
Monday please either text me back or  
call me back and let me know you got  
this so that you do not get things with  
a no call no show ... because I do not  
want that to be what happens ... so  
my number is ( ... I know  
you have it just in case and I will either  
talk to you later today or see you on  
Monday to thank you bye.



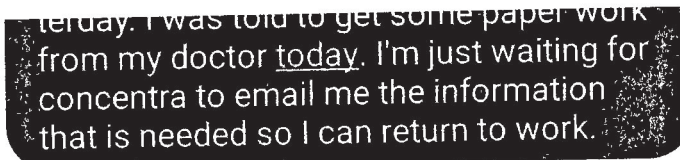


2:27

   42% 

< Kris  
+13033198942




9:41 AM   
terday. I was told to get some paper work  
from my doctor today. I'm just waiting for  
concentra to email me the information  
that is needed so I can return to work.



Good we like forward progress. 😊 9:45 AM

Friday, May 21, 2021

10:22 AM   
Hey Kris do you have Crystal rice email  
address?



I'm driving I'll have to look it up so it'll  
be a few hours before I can get it for  
you. 10:24 AM

10:25 AM

  
Ok that's fine. Thank you.



[Crystal.rice-minor@brinksinc.com](mailto:Crystal.rice-minor@brinksinc.com) 5:36 PM

Thursday, June 3, 2021



Good afternoon. We are being told  
you are fully cleared and must return  
to work. I'm scheduling you to resume  
on Monday 06/07 at 2:00. I'll see you  
then. 2:57 PM



2:26

   42% 

< Kris  
+13033198942



Sure seems like it

5:03 PM

Monday, April 26, 2021

11:47 AM

Hey Kris I'm here dropping off my badges and jacket.

11:48 AM

I left everything in front.

11:49 AM

Thanks for everything. Take care



I was out giving keys to a messenger. Please take care of yourself. If you ever need a reference feel free to use me. I wish you the best.

12:29 PM

1:10 PM

Thank you.

Thursday, May 20, 2021

9:41 AM

Hello Kris. I spoke with Christal Rice yesterday. I was told to get some paper work from my doctor today. I'm just waiting for concentra to email me the information that is needed so I can return to work.



2:18



< Kris  
+13033198942



Wednesday, April 29, 2020

2:07 PM

Hello Kris. My guards licenses expired on the 24th. Should I not worry about it right now?



No, mine expired in 2015 so you're okay. 😊

2:08 PM

2:08 PM

Ok 🙄

Monday, May 4, 2020

9:15 AM

Hey Kris can I have your email address please?



[Kristine.oneill@brinksinc.com](mailto:Kristine.oneill@brinksinc.com)

9:27 AM

Friday, May 8, 2020

3:37 PM

Update. Doc appointment on the 12th



Are you feeling better?

3:45 PM

4:11 PM

No, I'm





1:48 cricket

🔔 📶 📶 88% ■



Thanks,

Show quoted text



**Crystal Rice-Minor** Jul 22

to me ▾



Ashley,

Can you please give me a call

Crystal Rice-Minor

HR Manager, Absence Management

Brink's U.S. | A Division of Brink's Incorporated

555 Dividened Drive

Coppell, Texas 75019




Mobile: 215-280-3684|Office: 469-549-6933

Email: [Crystal.Rice-Minor@brinksinc.com](mailto:Crystal.Rice-Minor@brinksinc.com),

<http://www.brinks.com>



1:47 cricket

   88% 

Replying to the letter.



Inbox

**ashley beard** Jul 6

to crystal.rice-minor ▾



To whom this my concern. I was terminated April 26 2021. I did as the termination letter instructed, I contacted the manager and turned in my uniform and badge.

The circumstances are no fault of my own. I did everything asked of me up until I was terminated.

I would like to speak with a District Manager via email.

**Crystal Rice-Minor** Jul 6

Good Morning Ashley, Can you please call me 215-280-3684? Thanks,

**Crystal Rice-Minor** Jul 22

to me ▾



Ashley,



1:49 cricket

   88% **Crystal Rice-Minor** May 21

to me ▾



Ashley,

This termination letter was sent in error.

Your employment is still active with Brink's  
Incorporated.

We have a full duty release as of May 14, 2021.

Are you returning to work?

**Crystal Rice-Minor**

Manager, Leave of Absence

**Brink's U.S.** | *A Division of Brink's, Incorporated*

7400 Holstein Avenue

Philadelphia, PA 19153

Mobile: (215) 280-3684 | Office (469) 549-6933





2:34

41%



+1 215-280-3684



### History

May 20 1:44 PM  
Missed call from +1 215-280-3684

May 19 2:52 PM  
Missed call from +1 215-280-3684

May 19 2:47 PM  
Missed call from +1 215-280-3684

Apr 19 4:41 PM  
Missed call from +1 215-280-3684

Apr 14 10:19 AM  
Missed call from +1 215-280-3684

Mar 23 12:06 PM  
Missed call from +1 215-280-3684



Add



Share



Block



2:39

40%



ashley beard 6/8/2020

to Kris



Show quoted text



image001.jpg



Claim Number: 000000120500000001

## Concontra Medical Centers

1001 Overton Blvd. Aurora, CO 80017  
Phone: (303) 684-1110 Fax: (303) 684-1110

Service Date: 06/12/2020

Case Date: 10/01/2019

## Physician Work Activity Status Report

Patient: Hirsch, Ashley

SSN: XXX-XX-6338

Address: 17701 W. 1st Ave.

Employer Location: Brinks #80175 Denver

Contact: Dr. Sander

THORNTON, CO 80229

Address: 2403 Union St.

Role: Primary Contact

Home: (720) 251-8888

Aurora, CO 80017/1857

Phone: (303) 728-1071 Ext.

Work:

Ext:

Auth by:

Auth form/brought in

Fax:

This Visit: Time In: 10:51 am

Time Out: 11:13 am

Visit Type: Renewal

Treating Provider: Jordan M. Meas, PA-C

## Diagnosis:

794.4 164.1F RADICULOPATHY, SACRAL AND SACROCOCCYGEAL  
NEUROLOGICAL  
100 F43.21 ADJUSTMENT DISORDER WITH DEPRESSION  
MODERATE

## Medications:

- ☐ Dispensed Prescription Medication to Patient  
☐ Dispensed Over-The-Counter Prescription  
☒ Written Prescription given to Patient



202006...001.jpg



Reply

Reply all

Forward

2:38

40%



202005...001.jpg



... No ☒ Yes. If yes, explain: incapable of performing functions

Is the employee unable to perform any of his/her job functions due to the condition based on the employee's own description of his/her job? No ☒ Yes  
If yes, identify the job functions the employee is unable to perform: with physical & mental

10. Describe other relevant medical facts, if any, related to the condition for which the employee seeks leave (such as medical history, any surgery, diagnosis, doctor's orders, or any regimen of continuing treatment such as the use of special or equipment). (Note: If the employee is requesting leave under the California Family Rights Act or the Connecticut Family and Medical Leave Act, do not include diagnosis information.)  
my doctor gave me physical & mental report 3 of physical spine & mental condition

Subsection B: Must be completed for all CONTINUOUS LEAVES:  
Will the employee be incapacitated for a single continuous period of time due to his/her medical condition including any time for treatment and recovery? No ☒ Yes  
If yes, enter the beginning and ending dates for the period of incapacity:  
Start Date: 4/7/20 End Date: 7/20



202005...001.jpg



Kris O'Neill 5/21/2020

to me ▾



Good evening,

Thank you for forwarding these to me. I'm sorry you are still struggling with this. I was hoping you were starting to feel better with the additional rest. Please keep me posted and feel free to contact me at any time if you need anything.

Kris



2:38

40%



Update Inbox

ashley beard 5/21/2020  
to Kristine.oneill 

Claim Number: C06055-162573-WJC-01

**Concentra Medical Centers**2000 University Blvd, Suite 100, Aurora, CO 80017  
Phone: (303) 433-2300 Fax: (303) 433-4222

Service Date: 05/21/2020

Case Date: 05/21/2020

**Physician Work Activity Status Report**Patient: Beard, Ashley  
Address: 0750 Wadby Rd  
THORNTON, CO 80220  
Home: (720) 291-1398  
Work: Ext:SSN: XXX-XX-XXXX  
Employer Location: Brinks #80175 Denver  
Address: 2200 Laramie St  
Aurora, CO 80017-3607  
Auth. by: Auto-form/brought inContact: Saul Sanchez  
Role: Primary Contact  
Phone: (408) 726-7077 Ext:  
Fax:

This Visit: Time In: 10:51 am Time Out: 11:13 am Visit Type: Recheck

Treating Provider: Jordan M. Mass, PA-C

**Diagnosis:**724.4 M52.10 RADIOLUPATHY SACRAL AND SACROCOCCYGEAL REGION M54.18  
305 F43.21 ADJUSTMENT DISORDER WITH DEPRESSED MOOD F43.21**Medications:**

- ☐
- Dispensed Prescription Medication to Patient
- 
- ☐
- Dispensed Over-The-Counter Prescription
- 
- ☒
- Written Prescription given to Patient



202005...001.jpg



Service ID: 248747968

Claim Number: C06055-162573-WJC-01

X-ray Number:

FF AuthID:

Patient: Beard, Ashley  
SSN: 024-09-9338  
Age: 33 DOB: 06/23/1989  
Address: 0750 Wadby Rd Apt 1024  
THORNTON, CO 80220  
Home: (720) 291-1398  
Work: Ext:  
Cell: (720) 291-1398**Concentra Advanced Specialists(CO)**2000 University Blvd, Suite 100, Aurora, CO 80017  
Phone: (303) 433-2300 Fax: (303) 433-4222

Service Date: 05/18/2020

Case Date: 05/18/2020

**Recheck Injury Flowsheet**Employer: Brinks Inc  
Employer Location: Brinks #80175 Denver  
Address: 2200 Laramie St  
Aurora, CO 80017-3607  
Auth. by: Auto-form/brought inContact: SEE LOCATIONS  
Phone: (408) 726-7077 Ext:  
Contact: Saul Sanchez  
Role: Primary Contact  
Phone: (408) 726-7077 Ext:  
Fax:**Diagnosis Information**722.3 Back Contusion 847.0 Cervical Strain 847.2 Lumbar Strain 724.1 Thoracic Spine Pain  
721.5 Back Pain 847.4 Coccyx Sprain 847.5 Sacral Strain 724.1 Thoracic Spine Pain  
847.5 Back Pain 724.2 Lumbar Pain 847.9 Shoulder Strain L R

202005...001.jpg



Claim Number: C06055-162573-WJC-01

**Concentra Advanced Specialists(CO)**2000 University Blvd, Suite 100, Aurora, CO 80017  
Phone: (303) 433-2300 Fax: (303) 433-4222

Service Date: 05/17/2020

Case Date: 05/17/2020

**Physician Work Activity Status Report**Patient: Beard, Ashley  
Address: 0750 Wadby Rd  
THORNTON, CO 80220  
Home: (720) 291-1398  
Work: Ext:SSN: XXX-XX-XXXX  
Employer Location: Brinks #80175 Denver  
Address: 2200 Laramie St  
Aurora, CO 80017-3607  
Auth. by: Auto-form/brought inContact: Saul Sanchez  
Role: Primary Contact  
Phone: (408) 726-7077 Ext:  
Fax:

This Visit: Time In: 11:08 am Time Out: 12:27 pm Visit Type: Recheck





SENT VIA UPS OVERNIGHT MAIL

March 19, 2021

Ashley Beard  
9700 Welby Rd. Unit 1024  
Thornton, CO 80229

Dear Ms. Beard:

Your Brink's, Incorporated ("Brink's") employment has been on a leave of absence status since April 7, 2020. As we are unable to provide you with an indefinite leave of absence, Brink's policies typically limit leaves to a maximum of 6 months, absent the approval of a reasonable accommodation to the contrary. Your current non-job protected leave of absence reached six months on October 7, 2020 and we have not received information from you regarding any impending availability to return to active employment, with or without reasonable accommodation.

If this information is in error, or you wish to discuss potential reinstatement opportunities at your prior location or elsewhere or other potential accommodations of your circumstances, please contact Crystal Rice-Minor, Human Resources Manager of Leave of Absence (215) 280-3684 on or before April 19, 2021 to initiate a mutual discussion regarding available options. Please note that, due to the extended duration of your leave, any reinstatement will be subject to position availability.

If we do not hear from you on or prior to April 19, 2021 regarding discussing potential opportunities for your return to active employment or other potential accommodations of your circumstances, Brink's will be moving forward with the administrative termination of your employment on April 19, 2021.

In the event of the termination of your employment, you will be instructed to return any company property or data remaining in your custody or control at such time. You will receive information regarding any benefit continuation or employee benefit plan elections available to you at the conclusion of your Brink's employment. Please be reminded that, as positions become available, Brink's regularly posts employment opportunities on its website [www.brinksinc.com](http://www.brinksinc.com). You are encouraged to submit an application for any position for which you are qualified and wish to be considered for.

Please do not hesitate to contact me should you have any questions.

Sincerely,

*Crystal Rice-Minor*

Crystal Rice-Minor  
Human Resource Manager – Leave of Absences  
(215) 280-3684



**SENT VIA UPS OVERNIGHT MAIL**

April 19, 2021

Ashley Beard  
9700 Welby Rd. Unit 1024  
Thornton, CO 80229

Dear Ms. Beard:

As we advised you in our letter dated March 19, 2021 pursuant to Brink's Policy your employment with Brink's is hereby terminated effective April 26, 2021.

Please contact your Branch to return all Brinks' issued equipment and property that you may have in your possession as soon as possible.

Thank you for your service to our company and please don't hesitate to contact me with questions or concerns 215-280-3684.

Sincerely,

*Crystal Rice- Minor*

Crystal Rice-Minor  
Human Resources Manager – LOA  
Brink's U.S



June 30, 2021

Ashley Beard  
9700 Welby Road  
Unit 1024  
Thornton, CO 80229

Dear Ms. Beard:

On May 18, 2021, you were released by Dr. Cava to return to active employment. As of date of this letter, you have not reported to work. We do not show you as currently being on an approved leave of absence and we have not heard from you regarding your intention to return to your former position, potential accommodations of your circumstances or to otherwise address your employment status with Brink's.

We have attempted to reach you via email and phone: However, you have been unresponsive to our calls and emails.

As you are not under a current approved Leave of Absence un Brink's policy, your absences following the expiration of your approved leave of absence are considered as unexcused and, if we do not hear from you by Wednesday July 7, 2021, the company reserves the right to move forward with disciplinary action, to include the potential termination of your employment.

If you believe you have received this letter in error and have information you would like to present to Brinks in consideration of your employment, please contact me by Wednesday July 7, 2021 to discuss your circumstances.

Sincerely,

*Crystal Rice-Minor*

Crystal Rice-Minor  
Manager – Absence Management  
215-280-3684