

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 06-15366
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT JUNE 4, 2007 THOMAS K. KAHN CLERK

D. C. Docket No. 05-61767-CV-DMM

ROSEMARY SACHS,

Plaintiff-Appellant,

versus

R. JAMES NICHOLSON,
Secretary- Department of Veterans Affairs, USA,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Florida

(June 4, 2007)

Before TJOFLAT, HULL and WILSON, Circuit Judges.

PER CURIAM:

Rosemary Sachs appeals the district court's grant of summary judgment in

favor of the Department of Veterans Affairs and R. James Nicholson, in his official capacity, on her claims of race, age, and sex discrimination, in violation of Title VII of the Civil Rights Act of 1964 ("Title VII"), 42 U.S.C. § 2000e-16, and the Age Discrimination in Employment Act ("ADEA"), 29 U.S.C. § 623. Summary judgment was entered because Sachs filed her complaint beyond the 45-day limitation period set forth in 29 C.F.R. § 1614.105(a)(1) for exhausting an administrative grievance. Although Sachs concedes that her administrative complaint was eleven days late, she argues that she was entitled to waiver or equitable tolling due to the severity and duration of a series of hurricanes that took place during the limitation period. She also states, without any corroboration, that she attempted to contact an EEO counselor but was unable to do so. After *de novo* review, we agree with the district court that Sachs “was not prevented [for] reasons outside her control from filing a complaint during the limitations period.”

AFFIRMED.