





U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
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June 3, 2010

Barry Asen  
Epstein Becker & Green, P.C.  
250 Park Avenue  
New York, New York 10177-1211

Re: Herridge v. Fox News Network LLC  
Charge No. 570-2008-01948

Dear Mr. Asen:

I am writing in response to your letter dated May 18, 2010, requesting reconsideration of the Letter of Determination issued in the above-referenced charge. We regret your dissatisfaction with the results of the processing of this charge.

The EEOC will reconsider an EEOC determination when substantial new relevant evidence is presented that would warrant a change in the determination, or if the EEOC's decision was contrary to the law or facts. We have given thoughtful consideration to the issues you raised in your letter and have concluded that you did not present substantial new relevant evidence or show that the EEOC's decision was contrary to the law or facts.

As to your concern regarding when your client learned that it had been accused of retaliating by distributing a company-wide email discouraging complaints, it is my understanding that the investigator handling the case, Yofi Weinberg, gave you the name of the sender as well as the date, time and subject of the email in question. Nonetheless, attached please find a copy of the email.


With respect to the language in the renewal contract, the EEOC found that the language was likely to deter an individual from engaging in a protected activity. We concluded that the language led to lengthy contract negotiations, during which Ms. Herridge was not working on a contract and did not receive the higher pay that she would have received had this provision not been included. We recognize that after your client and Ms. Herridge entered into a renewal contract, the wage increase was made retroactive; obviously, this retroactive payment will affect the monetary relief to which Ms. Herridge is entitled.

At this time, we renew our request that you join with the EEOC in an effort to resolve

this matter. Ms. Weinberg will contact you shortly to follow up regarding conciliation discussions.

Thank you.

Sincerely,

  
Mindy E. Weinstein  
Acting Director