

Assessing Compensatory Damages Claims in Federal EEO Cases

EVIDENCE OF COMPENSATORY DAMAGES

Type of Damages

Examples of Evidence

Pecuniary Damages

(Out-of-pocket expenses)

Past

Job hunting expenses, including travel, resume preparation, postage, employment agency fees

Moving expenses

Transportation costs to see mental health counselor

Property losses, including loss of home, car

Future

Medical expenses, psychiatric expense and physical, as projected by a physician

Additional psychotherapy

Non-pecuniary Damages

(Losses due to emotional distress caused by discrimination)

Physical Manifestations

Loss of health, ulcers, hair loss, dietary problems, headaches, hives, rashes, gastrointestinal disorders, sleeplessness, excessive fatigue, hypertension

Psychological Manifestations

Emotional pain and suffering, depression, anxiety attacks, mental anguish, poor memory

Insomnia, crying spells, irritability

Loss of enjoyment of life

Treatment with anti-depressants, psychotherapy

Damage to other interests

Injury to credit standing

Injury to earning capacity

Injury to character and reputation

Injury to professional standing