UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 01-4157-CIV-LENARD/TURNOFF

MARY SCHNEIDER

Plaintiff,
vs.

JOHN ASHCROFT, Attorney General,
U.S. Department of Justice,
in his official capacity and
JAMES W. ZIGLAR, Commissioner,
U.S. Immigration and Naturalization
Service, in his official capacity,

Defendant.
_____/

AMENDED COMPLAINT

Plaintiff, MARY SCHNEIDER, sues Defendant, JOHN ASHCROFT, the Attorney General and Agency Head for the United States Department of Justice, and JAMES W. ZIGLER, Commissioner and Agency Head for the United States Immigration and Naturalization Service, and states:

INTRODUCTION

1. This action is brought to remedy discrimination on the basis of sex, disability and the terms, conditions, and privileges of employment, and to remedy retaliation against an employee for activity protected under Title VII, all in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000 et. seq.; the Civil Rights Act of 1991, 42

U.S.C. § 1981a; and the Americans With Disabilities Act 42 U.S.C. § 12101 et. seq.;, for declaratory relief, damages and other appropriate legal and equitable relief as sought pursuant to 42 U.S.C. § 2000e.

2. The foregoing violations of Title VII are based on the unlawful treatment of Plaintiff by her employer, the United States Department of Justice, Immigration and Naturalization Service (DOJ-INS), an executive agency of the U.S. Government. Plaintiff has been subjected to discrimination in the terms and conditions of her employment with the DOJ-INS on the basis of her gender (female), disability and for her involvement in protected equal employment opportunity activity (prior EEO activity).

3. As a result of the practices of the DOJ-INS, Plaintiff has suffered systematic violation of her right to be free from discrimination in employment on the basis of her gender, disability and involvement in protected activity. Plaintiff has also suffered violations of her right to be free from unlawful retaliation and her right to be free from intimidation in the exercise of these rights.

JURISDICTION AND VENUE

4. Jurisdiction is invoked pursuant to 28 U.S.C. §§ 1331, 1343(a)(3) and 1343(a)(4) conferring original jurisdiction upon this court of any civil action arising under the laws of the United States, and to recover damages or to secure equitable relief under any Act of Congress providing for the protection of civil rights, under the Declaratory Judgment Statute, 28 U.S.C. § 2201, under 42 U.S.C. § 1981a, under Title VII, 42 U.S.C. § 2000e, et seq., and under 42 U.S.C. § 12101 et. seq.

5. Venue properly lies in the Southern District of Florida pursuant to 42 U.S.C. § 2000e-5(f)(3) because the unlawful employment practices were committed in the State of Florida.

CONDITIONS PRECEDENT

6. Plaintiff has fulfilled all conditions precedent to the institution of this action pursuant to 42 U.S.C. § 2000(e)-5(f) and 16(c).

7. Plaintiff filed a timely complaint with the DOJ-INS on or about April 1, 1999, Agency Complaint No. I-99-E081, alleging discrimination by her employer on the basis of sex (female), age, disability and retaliatory conduct (prior EEO activity).

8. Plaintiff filed a second timely complaint with the DOJ-INS on or about September 23, 1999, Agency Complaint No. I-99-E182, alleging discrimination by her employer on the basis of sex (female), disability and retaliatory conduct (prior EEO activity).

9. Plaintiff filed a third timely complaint with the DOJ-INS on December 23, 1999, Agency Complaint No. I-00-E047, alleging discrimination by her employer on the basis of sex (female) and retaliatory conduct (prior EEO activity).

10. Plaintiff filed a fourth timely complaint with the DOJ-INS on or about January 9, 2001, Complaint No. I-01-E053, alleging discrimination by her employer on the basis of retaliatory conduct (continuing reprisals for prior EEO activity).

11. Plaintiff filed a fifth timely complaint with the DOJ-INS on or about March 27, 2001, Agency Complaint No. I-01-E069, alleging discrimination by her employer on the basis of retaliatory conduct (continuing reprisals for prior EEO activity).

12. On June 29, 2001, the Plaintiff requested a Final Agency Decision on Complaint Nos. I-99-E081, I-99-E182, and I-00-E047. Pursuant to 29 C.F.R. § 1614.110(b), the Agency shall issue a final decision within 60 days of receiving a request for Final Agency Decision. In that more than 60 days has elapsed since Plaintiff's request, and the Agency has not issued a final decision. Plaintiff is filing this action pursuant to 42 U.S.C. § 2000(e)-5(f) and 16(c).

13. On July 19, 2001 the Agency consolidated Complaint No. I-01-E053 with Complaint No. I-01-E069 pursuant to 29 C.F.R. § 1614.606. It has now been more than 180 days since the filing of all these two complaints, but not yet past the 90 days period to file a civil action, and the Agency has failed to take any action. Therefore, Plaintiff is filing this action pursuant to 42 U.S.C. § 2000(e)-5(f) and 16(c).

14. Plaintiff filed a sixth timely complaint with the DOJ-INS on or about August, 9 2001, Agency Complaint No. I-01-E166, alleging discrimination by her employer on the basis of retaliatory conduct (continuing reprisals for prior EEO activity). It has now been more than 180 days since the filing of this complaint, but not yet past the 90 days period to file a civil action, and the Agency has failed to take any action. Therefore, Plaintiff is filing this action pursuant to 42 U.S.C. § 2000(e)-5(f) and 16(c). This is the reason for filing the amended complaint.

PARTIES

15. Plaintiff is a white female, age 48, who works for the DOJ-INS as a District Adjudications Officer (a.k.a. Examiner) (hereinafter referred to as "DAO") in the Naturalization Unit for her employer in the Orlando Sub Office of the Miami District INS.

16. Defendant JOHN ASHCROFT ("Attorney General Ashcroft") is the Attorney General and agency head of the DOJ. Defendant is sued in his official capacity as agency head of the DOJ, which is a federal executive agency of the U.S. Government.

17. The DOJ-INS is responsible for the career development, advancement, training, supervision and promotion of DOJ-INS employees. The unlawful conduct alleged in this complaint occurred at the INS in both the Orlando and Miami, Florida offices.

BACKGROUND

18. Plaintiff, Mary Schneider, currently holds the position of DAO, a GS-12 grade level, at the Orlando INS Sub Office, Adjudications Branch. This branch processes and adjudicates various applications for adjustment to permanent status and naturalization benefits of aliens. Plaintiff has held this position since December of 1990.

19. Plaintiff is now into her 28th year of Federal Service, and into her 21st year with INS, having entered on duty as a Journeyman Immigration Inspector on January 21, 1981. Plaintiff previously held the position and title of Journeyman Customs Inspector with the U.S. Customs Service.

20. Plaintiff has previously held positions with the INS of Journeyman Immigration Inspector, Immigration Examiner, Supervisory Immigration Inspector and now District Adjudications Officer.

21. In February of 1991, Plaintiff filed an informal EEO gender discrimination complaint with the Agency. The Agency's actions involved extreme bias, prejudice and gender discrimination involving arbitrary and disparate treatment towards Plaintiff by her male supervisors, denying her the opportunity to perform her official GS-11 examiner duties for a six month period, and instead

relegated her to lesser duties of mail and supply clerk, and information officer; in opposite contrast, the prejudicial favoritism extended to her then male counterpart, Michael Pittman, to only perform his GS-11 examiner duties. Pittman has since been promoted and is currently Plaintiff's first line supervisor, and has been directly involved in reprisals against Plaintiff for her EEO activity.

22. One of the reprising officials was Assistant District Director for Examinations, (ADDE) Richard Kellner who became Plaintiff's second line supervisor from the fall of 1991 through April of 1996.

23. In December of 1995, Plaintiff filed a Union grievance after having been ordered by Supervisory DAO, Susan Dugas, and Kellner, to initiate and set up a first-ever priority Orphan program in Orlando and to immediately complete processing on 25 orphan applications assigned to Plaintiff all at once; all the while Plaintiff was still being required to conduct the same amount of interviews as her examiner co-workers.

24. In complete opposite contrast, the Miami District Office's orphan officer was provided the entire month, 160 hours, to adjudicate approximately 25 orphan applications received in each month, without any other duties required by the Agency. Over a five-month period, Plaintiff repeatedly made written requests to the Agency to be scheduled the required time to address this priority program. Her requests went unheeded. Plaintiff was not provided any scheduled time whatsoever to initiate and start up the Orphan program in Orlando and to adjudicate 25 pending cases. After four months of working on the Orphans project assignment, DOJ-INS management officials allowed Plaintiff four hours a week to answer phone inquiries - but never scheduled time to start up the program or work on the 25 cases.

25. In response to Plaintiff's repeated requests to be scheduled the required time, Dugas instead, stood in the doorway of Plaintiff's office, yelled at her for all of coworkers to hear, and threatened Plaintiff with disciplinary action if she did not immediately adjudicate all 25 applications, while still being assigned the same amount of interviews as her examiner co-workers.

26. In December of 1995, Plaintiff filed an informal EEO complaint with the DOJ-INS for discrimination due to a physical disability. The complaint was based on Dugas ignoring Plaintiff's doctor's written prescription not to stand for more than 30 minutes, and although Dugas had been advised that prolonged standing resulted in severe back pain for Plaintiff due to scoliosis of the spine, Dugas ignored Plaintiff's medical condition and continued to order Plaintiff to complete processing of employment cards which required up to four hours of standing which resulted in severe back pain to Plaintiff.

27. The above referenced complaint was filed formal in March of 1996.

28. In April of 1996, after refusing to negotiate during the EEO counseling process, through a union steward, Dugas attempted to get Plaintiff to drop her EEO formal complaint. Dugas informed the union steward that the reason she committed the discriminatory actions against Plaintiff was due to ADDE Richard Kellner orders, and now that Kellner was leaving the Miami District INS, they would be able to work everything out if Plaintiff dropped her complaints, including paying Plaintiff the overtime she was denied for being required to travel out of town after hours without pay.

29. After Plaintiff refused to drop her complaints, Dugas attempted to intimidate Plaintiff by subjecting her to an harassing "counseling" meeting for having placed a yellow sticky note on her door when Dugas was out of the office to request access to Plaintiff's safe combination and

inadvertently forgetting to initial Dugas' lunch log book. Other employees had failed to initial this lunch logbook on numerous occasions, but were never subjected to this same disparate, harassing treatment of "counseling".

30. Dugas ignored Plaintiff's repeated written requests and refused to designate her in a fair and equitable rotation as a designated Acting Supervisor as was done with Plaintiff's peers.

31. Dugas provided Plaintiff's co-workers an extra review day to work on their pending caseload, wherein Plaintiff's review day was deliberately taken away and she instead was assigned new, additional cases to interview all day.

32. In May of 1996, Plaintiff subsequently filed an informal EEO reprisal complaint with the DOJ-INS.

33. In June of 1996, the EEO Investigator complained to Plaintiff that he was being harassed by Dugas who would not cooperate in providing a location and time to meet with Plaintiff.

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36. In June of 1996, the EEO Investigator complained to Plaintiff that he was being harassed by Dugas who would not cooperate in providing a location and time to meet with Plaintiff.

37. In June of 1996, Dugas filed a complaint with the DOJ-INS HQ Office of Internal Audit claiming that Plaintiff was harassing her by filing the EEO complaints.

38. For some reason that is unknown to Plaintiff, the DOJ-INS lost the files in the above referenced complaints, and Plaintiff became discouraged and did not pursue the complaints.

39. Plaintiff had also filed previous EEO complaints with the DOJ-INS in 1991, causing Michael Pittman to be denied a promotion. This upset DOJ-INS management officials immensely.

ALLEGATIONS COMMON TO ALL CAUSES OF ACTION

40. On or about September 9, 1998, DOJ-INS charged Plaintiff with being absent without leave (AWOL) for one hour citing a 1977 Rule. Every Friday afternoon Plaintiff would take one and one-half hours of annual leave to prepare meals for the elderly, as she had been doing for over a year with permission from her supervisor, Susan Dugas. Plaintiff worked continuously from 7:00 a.m. to approximately 1:15 p.m. at which time Plaintiff would take her 15-minute morning break and thirty minute lunch together with the one and a half hours of approved annual vacation leave in order to leave early to perform charitable duties. There had previously been a past practice of allowing other employees to take their lunch break at the end of their shift and they were not charged AWOL. On a daily basis, other employees combined their morning and afternoon breaks together with their thirty-minute lunch break and they were not charged AWOL. During the previous six years employees had been allowed to take their breaks and lunch together with annual vacation leave in order to leave work early and to also leave early after monthly citizenship ceremonies and they were not charged AWOL. The AWOL charge was reprisal for filing

prior EEO complaints. To date Plaintiff's repeated requests to be given a copy of the 1977 Rule have been ignored

41. Since 1991 DOJ-INS management has intentionally created a backlog of cases Plaintiff has been assigned to work on.

42. George Chandler, a male co-worker of Plaintiff's, was given extra time to work on his backlog of cases. DAOs were usually assigned one day a month to perform re-examination interviews. On or about October 20, 1998, Chandler was not assigned any re-examination interviews and instead was allowed to work on his backlog. On Plaintiff's re-exam day she was not allowed to work on her backlog and had to perform re-examination interviews.

43. During the week of November 2, 1998, DOJ-INS management assigned Plaintiff 68 interviews for the week. Whereas, two other DAOs were not assigned any interviews for that week. In fact, a newly arrived DAO was not assigned any work and spent much of the week reading.

44. Plaintiff's co-workers are constantly given extra time to deal with their backlogs, whereas, Plaintiff is not. The backlog Plaintiff had to deal with was created by DOJ-INS management as a reprisal for filing prior EEO complaints

45. Plaintiff suffers from chronic back pain due to moderate scoliosis of the spine, spondyliosis, spinal stress and degenerative discs, a disability which DOJ-INS management has been apprised of for several years.

46. Yet, Plaintiff was subjected to deliberate disparate treatment, being punished for being out sick, suffering from chronic back pain. No other officer in Plaintiff's Unit has been treated in this same manner during the past nine years.

47. Similar disparate treatment was applied to Plaintiff for being out sick in April of 1998 when 16 applicants who appeared at the office for their interview were turned away even though two examiners were on duty available to conduct the interviews. As a punishment for suffering chronic back pain and being out sick, Plaintiff was reassigned all of these 16 cases on a day she would have normally used for reviewing pending caseloads. This discriminatory, retaliatory treatment was never done to any of Plaintiff's examiner co-workers.

48. Plaintiff has missed work due to her chronic back problems and in November 1998 DOJ-INS issued her a memorandum stating that she was abusing leave and placed her on leave restrictions. One of the restrictions was that she was ordered to produce a lengthy detailed letter from her doctor each and every time she took sick leave. DOJ-INS management officials issued the memorandum without notice or warning and never provided Plaintiff an opportunity to provide input or respond prior to being issued this restriction.

49. Plaintiff then suffered from chronic bronchitis for approximately five weeks and had to see a doctor several times during this period. During one doctor visit, Plaintiff was given an antibiotic and she had to call in sick the next day. DOJ-INS management again charged Plaintiff with AWOL because the doctor's note she produced was not lengthy and detailed enough for DOJ-INS management officials. Plaintiff's doctor does not have the time to

write a lengthy and detailed letter to DOJ-INS officials each and every time she seeks medical attention.

50. Shortly thereafter, Plaintiff requested to leave early for a doctor's appointment and the leave was approved. Upon returning to work, Plaintiff presented a note from the doctor showing where she was. DOJ-INS management officials still charged Plaintiff with AWOL. because again the note she did present from the doctor was not lengthy and detailed enough for DOJ-INS management officials. DOJ-INS management officials have violated Plaintiff's rights due to her disability and have retaliated against Plaintiff due to prior EEO activity.

51. The DOJ-INS has a policy that requires all examiners to videotape interviews of aliens. Some examiners in Plaintiff's Unit comply with the requirement and some do not. There are consistent problems with access to working video cameras. Management has never provided all examiners with a video camera, and at one time examiners were required to rotate the available video cameras. However, during the past three years this has not been practiced and at various times, thirteen different examiners have never been required to videotape any of their interviews**.** DOJ-INS never required these employees to comply with this same Service policy. DOJ-INS has some 70-asylum officers in Los Angeles who are not required to comply with this same Service policy of videotaping interviews.

52. When a working camera and blank tapes are available Plaintiff videotapes her interviews with aliens. During the past four years there have been five video cameras in five offices. However, as new examiners arrived on duty they were never required to rotate the use of these video cameras and have never at any time in the past three years been required

to videotape any of their interviews. Plaintiff videotaped all of her interviews when videotapes were available, and has done so more than any other examiner in her office. Currently no less than eleven examiners are not required to videotape any of their interviews, and are not being disciplined as was Plaintiff.

53. On or about May 27, 1999, DOJ-INS management officials suspended Plaintiff for thirty days without pay with one of the allegations being failure to comply with Service policy to videotape interviews of aliens. This was one of several allegations used, the others were insubordination for failing to complete cases by unrealistic deadlines imposed by DOJ-INS management officials.

54. Many times examiners do not videotape their interviews and none of them have received such any disciplinary action such as Plaintiff has.

55. On numerous occasions, before the thirty-day suspension, Plaintiff observed a male co-worker, George Chandler, not videotaping interviews. On June 30, July 14, and 28, 1999, immediately after returning from the thirty-day suspension, Plaintiff observed Chandler again not videotaping interviews. This male co-worker was never given a PIP, an unacceptable performance appraisal, nor disciplined for the same allegation that Plaintiff was disciplined for. DOJ-INS management officials have violated Plaintiff's rights due to her gender (female) and have retaliated against Plaintiff due to prior EEO activity.

56. On July 14, 21, and 28, 1999 Plaintiff discovers female examiners not videotaping interviews. None of these examiners are given a PIP, an unacceptable performance appraisal, nor disciplined for the same allegation that Plaintiff was disciplined for. DOJ-INS management officials have violated Plaintiff's retaliating against due to prior EEO activity.

57. DOJ-INS officials gave Plaintiff an unacceptable performance appraisal for the rating period of April 1998 to March 1999.

58. In January 1999 DOJ-INS officials placed Plaintiff on a performance improvement plan (PIP) where she was required to improve her performance over a 60-day period. DOJ-INS management officials alleged that Plaintiff failed to adjudicate cases properly and on a timely basis, failed to comply with the element of preparing orders, memoranda, etc., and failing to exhibit courtesy towards co-workers and the public. At the end of the 60-day period Plaintiff was advised that she failed to improve and the alleged failure to improve was used as justification for the unacceptable performance appraisal.

59. On or about July 27, 1999, security officers in the front lobby comment that, on a daily basis, they receive numerous complaints about examiners Chandler and Marvin Lehman, because throughout the day their appointments wait anywhere from two, three, even up to four hours to be interviewed; Yet, this is the very issue Plaintiff was punished for on her "unacceptable" appraisal for having an applicant wait 45 minutes (a 1:00 p.m. appointment waited until 1:45 p.m.). Plaintiff's male co-workers are not harassed, punished nor threatened with disciplinary action as DOJ-INS management officials did with Plaintiff in an attempt to justify reprisal punishment in issuing her an Unacceptable Performance.

60. The PIP and unacceptable performance appraisal were unwarranted in that any backlog of cases Plaintiff had were intentionally created by DOJ-INS management officials continued failure to allow Plaintiff the time and opportunity to complete her work properly. Throughout her career, Plaintiff has been thorough, detailed and precise in her work. She has diligently pursued felony activity of fraud, perjury, bigamy, forgery, counterfeit

documents, contraband, drugs, weapons, criminals, fugitives, etc, and has an exceptional, well documented, sustained superior outstanding enforcement record which DOJ-INS management officials refuse to recognize, acknowledge or reward as is done for other DOJ-INS employees for lesser performance. Plaintiff has uncovered numerous instances of criminal activity, well beyond what her co-workers have produced. These cases take more time to complete and when she requests help from management officials to be scheduled the required time, they refuse to aid her in any way. All they do is harass, demean, and attempt to discipline her. DOJ-INS management officials hold Plaintiff to a much higher standard than that of her co-workers, and their actions are retaliation for Plaintiff's prior EEO activity.

61. On or about July 1, 1999, immediately after Plaintiff returned from the thirty-day suspension, DOJ-INS managers Susan Dugas and Michael Pittman send Plaintiff four harassing memoranda discussing Plaintiff's inability to eradicate her enormous caseload and threatening her with disciplinary action. However, on July 20, 1999, Plaintiff inadvertently discovers on the office communal printer a memo from Dugas to Plaintiff's co-worker, Charles Owens. In the memorandum Dugas inquired of Owens 15 cases in which Owens was past due in responding to her deadline, some of which were eight and ten months past due. Plaintiff's male co-worker is not harassed, punished nor threatened with any disciplinary action, nor given a PIP, nor given an unacceptable performance appraisal as DOJ-INS management officials did with Plaintiff.

62. On July 17, 1999, Michael Pittman commented to all examiners that in the month of July the highest errors in the QAR error rate for naturalization processing was 8.75%. "….Highest errors were in continued and denied cases. These included such things as attestations not

completed, missing initials an dates on worksheets, and missing decisions…." During this period Plaintiff did not conduct any naturalization interviews so these errors reflect work performed by all of her co-workers. This is the very same issue DOJ-INS management officials used to reprise, harass, threaten and discipline Plaintiff. Again, Plaintiff's co-workers are and have been doing the very thing DOJ-INS management officials accused Plaintiff of in an attempt to retaliate against her for prior EEO activity. None of Plaintiff's co-workers were given a PIP, an unacceptable performance appraisal, nor were they disciplined. Instead, DOJ-INS management officials award Plaintiff's co-workers with outstanding awards, quality step increases, cash awards, commendations, etc., which Plaintiff does not receive due to the retaliatory conduct.

63. Some aliens and their attorneys complain about Plaintiff when she uncovers illegalities and pursues an issue vigorously, because they know that the case will be transferred to a less compliant more amenable examiner. DOJ-INS management officials very rarely advised or notified Plaintiff when a complaint had been filed against her, nor has she been given an opportunity to respond to all of the complaints.

64. From the fall of 1991 through May of 1999, Plaintiff was required on numerous occasions to conduct another officer's interviews who was out sick, on leave or away on detail, and she was always required to complete the work on any of the cases in which she conducted the interview. During the past nine years, since 1991, whichever examiner conducted the interview, that examiner maintained the case file and was always required to complete the final adjudication, whether or not it was a reassigned case from an absent officer due to illness, leave or detail.

65. Again on October 4, 1999, Plaintiff was subjected to disparate, retaliatory treatment when she was assigned a case to interview for an appointment time when she was at the doctor's and not physically present in the office. Although two other examiners were present in the office and available to conduct this interview on time, the applicant was required to wait unnecessarily until Plaintiff arrived on duty. Plaintiff's memorandum dated October 4, 1999, to Pittman, Officer in Charge, Stella Jarina, Assistant District Director, John Bulger and District Director, Robert Wallis, requested to know why she was being treated in an arbitrary, disparate, retaliatory manner than other examiners. Pittman, Jarina, Bulger and Wallis ignored Plaintiff's request and failed to respond and this disparate, retaliatory practice continued.

66. On or about October 21, 1999, after Plaintiff notified her supervisors that an EEO counselor was going to interview her on that day, they still assigned her a full day of interviews. DOJ-INS management official's actions caused a co-worker, Charles Owens, to yell at her in front of co-workers and the public because he was told to do one of her scheduled interviews. Owens, a male employee, was supported by DOJ-INS management officials and was allowed to treat Plaintiff in a discourteous manner, and was never disciplined for his actions. If Plaintiff (a female) were to act in a similar manner, she most definitely would have been disciplined.

67. On or about March 13, 2000, after persistent requests from new trainee examiners, Plaintiff, by memorandum, transmitted several computer discs on which she had copied a quantity of documents used for processing Applications for Certificate of Citizenship. These documents, or revised versions, had been used in the office for years. Plaintiff was the only

officer in the Adjudications Branch who was assigned to process these applications during the previous eight months. Plaintiff was not scheduled to provide this training for another two and one half months, however, trainees had repeatedly asked for Plaintiff's help and assistance on processing these applications. Plaintiff also provided various documents and templates on disc, eliminating time-consuming duplication of the same work by other examiners.

68. On March 14 and 15, 2000, Plaintiff was out of the office at home, incapacitated with chronic back pain. On each of these days Plaintiff had been scheduled eight appointments each day to conduct Appeal Hearings on denied Applications for Naturalization. These appointments were subsequently reassigned to her two co-workers, David Donahue and Yvonne Maldonado. Dugas instructed these two examiners to just take notes and not to finish the cases. This unprecedented action resulted in placing unjustified burden on various applicants who were required to return to the office for a second appointment to complete the interview, which was unfinished due to Dugas' directive.

69. Although Plaintiff was not the interviewing case officer, having been out of the office unavailable to conduct these interviews, Pittman retrieved all sixteen cases from the actual interviewing examiners and arbitrarily assigned them to Plaintiff to complete all the work on these cases for her two co-workers. Plaintiff was not scheduled any additional time to complete this work. Plaintiff was not provided the sixteen hours to process these cases as were given to her two co-workers for these same cases. However, when Plaintiff was rotated from the Adjustment Unit to the Naturalization Unit in June of 1999, and a large quantity of her pending adjustment cases were reassigned to her co-workers, in an arbitrary, disparate

manner, these examiners were scheduled more than 118 additional days to work on these same cases.

70. On March 21, 2000, Plaintiff, by memorandum, reiterated to the new contract clerk, the use of the revised version of the appointment letter sent out to applicants which was not being used, apprising her that this was creating unnecessary delays in processing applicants. This was an appointment letter template that Pittman had authorized in response to Plaintiff's written request of December 15, 1999.

71. On March 22, 2000, Plaintiff was scheduled to conduct Appeal Hearings on denied applications for naturalization. At the security booth in the front lobby, the appointment name had been crossed off on the interview log sheet to indicate that this individual had arrived and was present in the lobby waiting for his/her appointment; however there was no appointment letter placed in Plaintiff's letter tray on the counter.

72. This is an office practice with all arriving scheduled appointment letters, the letters are taken by the security officer and placed in the officer's labeled letter tray and the applicant's name is lined through on the daily interview log sheet to indicate the applicant has appeared for the appointments and is waiting to be interviewed.

73. The attorney of record in this cited case was Gustavo Vargas, who had exhibited a very belligerent, argumentative disrespectful attitude towards Plaintiff during previous interviews for her diligence and thoroughness in obtaining all the facts in cases present before her, and for not approving ineligible or mala fide applicant's whom Vargas represented.

74. The Security Officers informed Plaintiff that attorney Vargas had refused to hand over the appointment letter upon learning that Plaintiff was the interviewing case officer. Vargas immediately requested to see Dugas telling the security officer that Dugas had instructed him to tell her that if he ever had "Mary Schneider" as the interviewing officer he was to come to her immediately and she would remove the case from Plaintiff and reassign the interview to another officer. Dugas was not in her office and that is the only reason Plaintiff conducted the interview.

75. This degrading, disparate treatment Plaintiff has been forced to endure, allowing an attorney to request any other examiner, deliberately impugning and maligning Plaintiff professional reputation and professional competence to the public, has not been engaged in towards other examiners in the Adjudications Branch during the past nine years. At a minimum, four Orlando attorneys have been allowed and encouraged in this practice towards Plaintiff.

76. On March 23, 2000, Pittman issued a Memorandum to: All Staff entitled "Unofficial Memoranda" in which he directs staff to disregard training material on Applications for Certificate of Citizenship, which had been provided to new trainee examiners, at their request, by Plaintiff, the Senior Journeyman Officer in the Unit.

77. At their requests, Plaintiff provided trainees on disc and in hard print, samples of various documents, which had been used in the office for years. Plaintiff neither established policy and procedures nor did she direct and give work assignments to employees. Plaintiff only reiterated already established policies and procedures and only reminded a clerk of a previous directive authorized by Pittman. Plaintiff had already been assigned to give this

same training but not for another two and one half months. As the Senior Journeyman Examiner, Plaintiff had spent considerable time and effort, above and beyond her duties, to respond to requests for assistance from new trainee examiners, to prevent duplication of work and to expedite processing and for this she was berated and chastised and presented to her peers as incompetent.

78. Although Plaintiff had been the only examiner assigned in the Adjudications Branch from July of 1999 through March of 2000 to conduct interviews and adjudicate Applications for Certificate of Citizenship, she was purposely ignored and ostracized for training purposes by Pittman. In January of 2000, Pittman assigned instead, one of Plaintiff's co-workers, who was not being scheduled to conduct these interviews, DAO Officer Pellechia, to train new trainees on the very applications Plaintiff was adjudicating. Pittman intentionally and deliberately impugned and maligned Plaintiff's professional competence to new trainee examiners and to her peers. This action did not go unnoticed by her peers.

79. Deliberately humiliating and demeaning Plaintiff's professional competence to her peers, Pittman confiscated the discs Plaintiff had provided new trainees, to eliminate duplication of work and expedite processing. Said discs contained documents, templates and sample written denials that had been utilized in the office for years. All the while Pittman allowed and encouraged non-permanent, temporary "term appointee", examiner George Chandler, to provide training to new trainees on conducting naturalization interviews, this deliberate demeaning and maligning of Senior Journeyman Examiner, Plaintiff's competence to provide this critical training and assistance did not go unnoticed by her peers.

80. Other examiners in the Adjudications Branch frequently provide each other with help and assistance in the form of copies of samples and written denials they have prepared. These examiners have not been chastised for the sharing of documents and information, such as was the case with Plaintiff.

81. On March 23, 2000, Pittman issued a memorandum to Plaintiff entitled "Unofficial Memoranda" in which he berates Plaintiff for her extensive efforts in providing training material to trainee examiners on already established policies and procedures and past practices in the office and then threatens Plaintiff with disciplinary action of any violation of his instructions. In this same memorandum, Pittman also accuses Plaintiff of being "abusive and disrespectful" to new contract clerk Martha Aviles. At no time prior to issuing this reprimanding and threatening memorandum did Pittman discuss these issues in conversation with Plaintiff nor did he request her input in an effort to obtain all the facts. In fact, the exact opposite had occurred and that Plaintiff is the one who was subjected to abusive, disrespectful treatment by this newly arrived contract clerk.

82. On March 28, 2000, one week after Plaintiff had filed a Request for Hearing with the EEOC, in which Pittman, Dugas, Jarina, Bulger and Wallis are all named as reprising officials, Pittman falsely accused Plaintiff of abusive treatment and issued a reprimanding memorandum regarding an interview Plaintiff had conducted on the two N********* sisters. In the memorandum, Pittman exhibited extreme bias and prejudice towards Plaintiff, distorting the truth in order to justify reprisal and retaliation. Pittman twisted Plaintiff's words into something that was not true, intentionally taking the entire interview out of context to harass

and reprise against Plaintiff. Additionally, Pittman did not give Plaintiff an opportunity to provide input or respond to the allegations before he wrote the memorandum.

83. In April of 2000, although all other Adjudications Branch employees were issued their regulatory performance appraisal ratings, Pittman, Jarina, Bulger and Wallis engaged in a Prohibited Personnel Practice of Reprisal by not issuing Plaintiff the mandatory Annual Performance Appraisal Ratings of Record and the Semi Annual Progress Review Performance Appraisal Rating of Record, which is made a part of the annual rating, for the three (3) rating periods ending on September 30, 1999, March 31, 2000 and September 30, 2000. The issuance of these performance appraisal ratings is mandatory by regulation, it is not an option, and is one of the critical elements of every supervisor's performance work plan (PWP). DOJ-INS management officials did this in an arbitrary and disparate manner in order to retaliate and punish Plaintiff for her prior EEO activity.

84. On April 5, 2000, by memorandum to Wallis and Bulger, Plaintiff requested a written response explaining why the office (INS) Video Taping Policy, which was arbitrarily applied solely to Plaintiff, has not been applied and enforced with all of her counterpart examiners.

85. At least ten trainee examiners were never required to comply with the INS policy of videotaping all interviews, a policy which Plaintiff is required to comply with. Even when Plaintiff has been absent from the office and one of her co-workers conducts her scheduled interviews, the very same interviews Plaintiff is required to videotape, none of these examiners are required to comply with this INS policy of videotaping, even when there is an idle, unused video camera available in Plaintiff's office. Wallis and Bulger ignored Plaintiff's request and failed to respond.

86. On April 5, 2000, and on numerous other occasions, while performing naturalization quality procedures (NQP), re-verification of naturalization cases, Plaintiff discovers her co-workers have missed initialing and dating various blocks on the worksheets. Yet, this exact same issue was used by Dugas, Pittman, Jarina, Bulger and Wallis to engage in a Prohibited Personnel Practice of reprisals and retaliation to justify taking an adverse personnel action against Plaintiff by issuing a trumped up, fabricated Performance Improvement Plan (PIP) in January of 1999, which resulted in the unacceptable performance appraisal, and the unjustified disciplinary action (thirty-day suspension without pay).

87. On April 7, 2000, Plaintiff finds on the office printer a one-page sheet from Dugas to her "adjustment team", entitled S.O.P. (standard operating procedure). This is the first S.O.P. created in the Adjustment Branch in the past seven years. However, four months earlier, Plaintiff's memorandum of December 15, 1999 to Pittman, transmitting a suggestion of creating S.O.P.s to expedite and enhance operating procedures, was completely ignored. Pittman ignored Plaintiff's suggestion and failed to respond.

88. On April 10, 2000, Dugas arbitrarily informs Plaintiff that she is restricted to working only eight hours of overtime on Saturday, but her co-workers can work ten hours during the week**.** There is no written policy. Plaintiff requests a copy of the written policy. Dugas ignores Plaintiff's request and does not respond.

89. On April 17, 2000, Pittman sends an e-mail to all naturalization examiners that Jarina has located enough video cameras at the district office for everyone and they should be receiving them shortly. To this day (date of filing this Complaint), nine examiners in the Adjudications Branch, seven naturalization examiners and two adjustment examiners, are

not required to comply with the INS policy of videotaping all interviews. Even though Plaintiff's co-workers in the Adjustment Unit did not videotape every interview, this same policy was arbitrarily used by Dugas, Pittman, Jarina, Bulger and Wallis to engage in a Prohibited Personnel Practice of reprisals and retaliation in an attempt to justify taking an adverse personnel action against Plaintiff by issuing the thirty-day suspension without pay.

90. On April 18, 2000, Plaintiff discovers several old cases have been pending a decision by a male examiner, Charles Owens, for 15 and 19 months respectively. Yet, this same issue of having old pending cases was utilized by Dugas, Pittman, Jarina, Bulger and Wallis to engage in a Prohibited Personnel Practice of reprisals and retaliation in an attempt to justify taking an adverse personnel action against Plaintiff by issuing a trumped up, fabricated Performance Improvement Plan (PIP) in January of 1999, within six weeks of Plaintiff filing an Informal EEO complaint.

91. On April 21, 2000, Plaintiff received an e-mail from Dugas informing her that Orlando was one of the few offices in the Miami District that was processing refugee regulations correctly. Plaintiff had been the designated Refugee Coordinator for the Orlando Sub Office for the previous five years. As the Orlando Refugee Coordinator, Plaintiff's superior performance in running a very smooth, well coordinated program in carrying out refugee regulations, policies and program in a correct, precise manner, apparently beyond that of other offices in the Miami District, was never acknowledged or rewarded, although Plaintiff was one of the few in the District doing it correctly.

92. On April 25, 2000, Plaintiff again makes a second request for a written response to Wallis and Bulger explaining why the Office (INS) Video Taping Policy has not been

applied and enforced with all of her co-workers who are not videotaping all of their interviews and why these examiners have not been subjected to this same Suspension without Pay. Wallis and Bulger, again, ignored Plaintiff's request and failed to respond.

93. On April 27, 2000, Plaintiff was subjected to an interrogation from an Office of Internal Audit official from INS Headquarters in Washington, D.C. in reference to a complaint filed by DOJ-INS management officials from Orlando. The complaint stated that Plaintiff treated two aliens (the N********** sisters) in a disparaging an unprofessional manner. The N********** sisters never made the complaint, because the allegations were not true. The allegations were made up by DOJ-INS management officials in Orlando.

94. Plaintiff provided very credible explanations of her conversation and questioning of the two N********** sisters; and although the videotape of the interview in question, evidences the applicants, their parents and Plaintiff laughing and smiling throughout the interview, with Plaintiff addressing them respectfully as ladies, and more importantly, the applicants themselves did not file any verbal or written complaint, Pittman conspired with Jarina, Bulger and Wallis to arrange for Plaintiff to be subjected to an harassing, and intimidating, interrogation and bogus investigation by the INS HQ Office of Internal Audit.

95. On May 3, 2000, Plaintiff by written memorandum to Pittman, Jarina, Bulger and Wallis, requested a written response to her March 28, 2000 memorandum entitled "Physical Disability Discrimination and Disparate Treatment", and to be provided a copy of the written policy regarding the sudden practice of subjecting Plaintiff to disparate, retaliatory treatment for being out sick with chronic back pain and assigning her other examiners' cases to complete the work for them

because she was out sick and intentionally failed to scheduled Plaintiff the additional required time to complete this work, a practice not applied to any other officer. Plaintiff never received a response.

96. Due to Dugas, Pittman, Jarina, Bulger and Wallis' retaliatory, disparate treatment of Plaintiff, her peers are under the mistaken belief that this treatment of Plaintiff is authorized and sanctioned by management for them to engage in the similar practices of harassment. Plaintiff's co-workers will at times expect her to complete reports of interviews they do when she is out sick, when no one else in the Unit is expected to do this.

97. DOJ-INS management officials have not treated any other examiner in the Orlando Sub Office during the past ten years in the ways referenced above.

98. Since May of 1996, Plaintiff's multiple, repeated written requests to be treated in an equitable manner to that of her peers in fair rotation as a designated Acting Supervisor so she may have the equal opportunity to compete fairly for promotion, Dugas, Pittman and Jarina have failed to respond to any of Plaintiff's written requests. In the past five years Plaintiff's professional competence and professional reputation have been deliberately maligned to her peers, coworkers and to the public. As the Senior Journeyman Examiner, Plaintiff has never been designated in a fair and equitable rotation as an Acting Supervisor, instead being required to report to other examiners with much less time in service and even to a new trainee examiner and a non-permanent, temporary "term appointee" examiner.

99. On May 3, and 4, and June 16, 2000 and on subsequent numerous dates, by e-mail, Pittman has directed Plaintiff, a GS-12 grade level and Senior Journeyman Examiner, to report to lower grade employees as designated Acting Supervisors over her, to trainee

examiner David Drummond, and to non-permanent, temporary term appointee examiner George Chandler.

100. On May 4, 2000, Plaintiff made a second request by memorandum to Dugas, Pittman, Jarina, Wallis and Bulger, to provide a copy of the INS policy requiring interviews be video taped. Dugas, Pittman, Jarina, Bulger and Wallis, again, ignored Plaintiff's request and failed to respond.

101. On May 5, 2000, Plaintiff documents by memorandum to Jarina, Wallis and Bulger, subjective, retaliatory treatment by Pittman who arbitrarily and deliberately created superfluous, additional work for Plaintiff by suddenly, without notice or warning, destroyed seven of her written case decisions because she used the word "respondent" instead of appellant, even though he had just signed off on six of her written case decisions using this exact, same word "respondent". Plaintiff used the same word "respondent" that the Miami District Office uses.

102. On May 12, 2000, Pittman authorizes inaccurate, erroneous denial documents written by non-permanent, temporary, "term appointee" examiner George Chandler, to be placed on the Adjudications Branch computer "s" drive (which is shared by all other examiners) presented as the best, authorized and approved written denial documents to be used as templates by all other examiners. As th*e* Senior Journeyman Examiner in Orlando, Plaintiff's written denial documents are never placed on the shared drive for her co-workers to use, deliberately impressing upon all new trainees that Plaintiff's work is inferior to that of non-permanent, temporary "term appointee" examiner George Chandler, who uses numerous inaccurate, erroneous written denial documents.

103. On May 12, 2000, Plaintiff receives an e-mail from Pittman advising her to charge herself annual vacation leave for using the phone. This unprecedented, abusive, arbitrary, retaliatory action has not been done to any other Adjudications Branch employee or any other INS employee service wide, a large quantity of whom use the phone much more frequently than does Plaintiff. On May 17, 2000, Plaintiff requests INS Miami District chief executive officers, Bulger and Wallis, to put an immediate stop to this abusive, unadulterated harassment. Bulger and Wallis ignored Plaintiff's request and failed to respond.

104. On May 17, 2000, Dugas sent an e-mail to employees in the Adjustment Unit regarding the issuance of the Performance Work Plan (PWP) for 2000-2001. Pittman, Jarina, Bulger and Wallis engaged in a Prohibited Personnel Practice of reprisal and retaliation in an attempt to justify taking an adverse personnel action against Plaintiff by failing to issue Plaintiff this mandatory, PWP for the rating period of April 1, 2000 through March 31, 2001. To her knowledge, all other Adjudication Branch employees were issued this mandatory PWP.

105. In May of 2000, Plaintiff discovers numerous inaccurate, erroneous written denial documents prepared by her peers, which have been authorized and signed off on by Pittman and Jarina. Yet these same management officials continually nit pick, reject and destroy Plaintiff's written work for nonsensical, inane issues such as using the word "respondent" instead of appellant or suddenly, without notice or warning, deciding statute cites should be indented. This trumped up fabrication that Plaintiff's written work was at an unacceptable level was used to engage in a Prohibited Personnel Practice of reprisals and retaliation in an attempt justify taking an adverse personnel action against Plaintiff by issuing a trumped up,

false PIP and Unacceptable Performance Appraisal Rating in January and May of 1999, respectively.

106. In contrast, Plaintiff's peers, who prepare inaccurate, erroneous written denial documents are not subjected to these adverse personnel actions, but instead have their work approved and are issued Outstanding Performance Appraisal Ratings, commendations, cash awards and quality step salary increases.

107. As the Senior Journeyman Officer at the Orlando Sub Office, Adjudications Branch, Plaintiff has written numerous memoranda and e-mails to her superiors requesting clarification or action on various procedural problems, cases or policies without regard or response.

108. May 19, 2000, Plaintiff by memorandum to Dugas, Jarina, Bulger and Wallis, requested clarification on the unknown practice of authorizing and paying for overtime prior to this overtime being worked, and if existing regulations do authorize this unfamiliar policy, why has this been made available and extended to only a select few and not to all other employees. Dugas, Jarina, Bulger and Wallis ignored Plaintiff's request and failed to respond. Plaintiff made a second request by memorandum on June 27, 2000. Again, Dugas, Jarina, Bulger and Wallis ignored Plaintiff's request and failed to respond.

109. On May 22, 2000, Plaintiff received an e-mail from Dugas attacking her veracity and character regarding Plaintiff's inquiry into the unknown practice of authorizing and paying for overtime prior to the overtime actually being worked.

110. On May 24, 2000, Plaintiff e-mailed Jarina, Bulger and Wallis requesting to be treated in an equitable, similar and comparable manner to that of all other employees and to

have access to the display control panel on her desk PC, which was arbitrarily restricted in a disparate manner to that of all other employees since May of 1999. Plaintiff requested this access be restored. Jarina, Bulger and Wallis ignored Plaintiff's request and failed to respond and the reprising disparate treatment continues.

111. May 25, 2000, Plaintiff sent an e-mail to Bulger and Wallis apprising them of being subjected to unequivocal harassment and abusive discriminatory treatment in making repeated tries for a week to acquire transportation to the airport to attend a driving and security class to update her Greater Orlando Aviation Authority (GOAA) identification. No other employee has ever been harassed in this manner in acquiring necessary transportation for this purpose. Plaintiff requested they put a stop to the harassment. Bulger and Wallis failed to respond.

112. On May 26, 2000, while Plaintiff is out of the office to attend the GOAA driving and security class, her desk PC is illegally accessed using another officer's (inspector Liliana D'Angeli) security I.D. and password. Plaintiff reports this incident by memorandum to Bulger and Wallis. They do not respond to this illegal computer security breach. It is not for another ten months that Plaintiff receives a response, via telephone, from a management inquiry official into this security breach. A proper investigation never takes place.

113. On May 26, 2000, Plaintiff responds by e-mail to Pittman, Jarina, Bulger and Wallis, to Pittman's unjustified criticism and castigation selectively and disparately directed at her when she left the office to attend a driving and security class at the airport and had not been notified by the contract security officers for one and a half hours that an appointment was waiting. However, DOJ-INS Orlando management officials allowed Plaintiff's male co-

workers, examiners George Chandler and Richard Kalb, to keep appointments waiting three and four hours day after day after day. This is witnessed on a daily basis by the contract Security Officers, other examiners and clerks.

114. On May 30, 2000, Plaintiff is handed a memorandum by Pittman entitled "Duties" wherein she is removed from her Official Duties. Pittman does not apprise Plaintiff of any specific incidents. Plaintiff is denied any opportunity to review material evidence and provide input or to respond prior to the issuance of this retaliatory, detrimental, adverse personnel action. Pittman, in conspiracy with Dugas, Jarina, Bulger and Wallis, utilizes this trumped up, false allegation of abusive and inappropriate conduct to engage in another Prohibited Personnel Practice of reprisals and retaliation against Plaintiff by falsely accusing Plaintiff of abusive and inappropriate conduct and outrageous and unacceptable behavior toward applicants in order to justify the adverse personnel action of Removing Plaintiff from her Official Duties.

115. The DOJ-INS management officials illegally prevented Plaintiff from performing the duties of her job description and PWP and denied Plaintiff her rights for the equitable opportunity to compete fairly for promotions. By their actions, Pittman, Jarina, Bulger and Wallis impugned, maligned, degraded and ridiculed Plaintiff's professional reputation and professional competence before her peers, coworkers and the public.

116. To this day Plaintiff has never been apprised of the justification for Removal from Official Duties for an eight-month period, from May of 2000 through January of 2001, nor has Plaintiff ever been provided any material evidence, which justified this extreme adverse personnel action.

117. In complete opposite contrast to the numerous derogatory, fabricated, false accusations utilized by Dugas, Pittman, Jarina, Bulger and Wallis, to justify engaging in continuing Prohibited Personnel Practices of reprisals and retaliation in an attempt to justify taking adverse personnel actions against Plaintiff, Plaintiff has received an unprecedented amount of over 300 letters, cards, and notes of favorable compliments from the public and government entities on her professionalism, superior enforcement, supervisory and managerial achievements and excellence in customer service; a great quantity of these have been submitted to the DOJ-INS management officials without acknowledgement, recognition or reward.

118. In 1995, a contract security officer, informed Plaintiff that she had received dozens of favorable public comments from applicants she had interviewed, more than any other officer. Dugas illegally withheld this large quantity of favorable compliments from Plaintiff, never giving her a copy, never apprising her of them, never acknowledging them in Performance Appraisals, never rewarding this outstanding, sustained, superior performance with QSIs or cash awards; however in an opposite disparate manner Dugas repeatedly wrote justifications to reward Plaintiff's peers with QSIs and cash awards.

119. On June 6, 2000, Pittman addressed supervisory e-mail to the staff, intentionally ostracizing and excluding Plaintiff from the e-mail address. This disparate action does not go unnoticed by her peers. On June 7, 2000, Dugas addressed supervisory e-mail to the staff, intentionally ostracizing and excluding Plaintiff from the e-mail address. This disparate action does not go unnoticed by her peers.

120. On June 13, 2000, Plaintiff together with a contract Security Officer, witnessed at 1:07 p.m. that non-permanent, temporary term appointee examiner George Chandler had not called his 10:30 a.m. and 10:45 a.m. appointments that were still waiting after two and one half-hours.

121. On June 14, 2000, Plaintiff together with a contract Security Officer witnessed at 12 noon, Pittman come out to the lobby security booth and check examiner George Chandler's appointment letter tray which still had appointment letters for 9:30, 9:45, 10:00, 10:15 and 10:30 and 10:45, all of whom had not been called for interview. Pittman looked at the letters, left and returned to his office with no observable action.

122. In opposite marked contrast, Dugas, Pittman, Jarina, Bulger and Wallis, used an appointment wherein the applicant was required to wait only 45 minutes for his appointment in order to engage in a Prohibited Personnel Practice of reprisals and retaliation in an attempt to justify taking an adverse personnel action against Plaintiff by issuing PIP, an Unacceptable Performance Appraisal Rating, and a thirty-day suspension in May of 1999.

123. On July 20, 2000, a U.S. citizen petitioner in a suspected Felony Fraud Moroccan Sham marriage whom Plaintiff interviewed in 1996 but did not approve, advises INS that she and her Moroccan spouse, filed a bogus complaint against Plaintiff to get approved. This exonerating evidence was not immediately provided to Plaintiff. Plaintiff's response to the false allegation made against her in 1996 went unheeded by Dugas. The fabricated complaint was utilized by Dugas to justify adverse, derogatory remarks on Plaintiff's Annual Performance Appraisal rating.

124. During June of 2000 through January of 2001, as the Senior Journeyman Examiner, Plaintiff is the only examiner to be ostracized and excluded from the posted monthly work schedule in the Adjudications Branch. This does not go unnoticed by Plaintiff's peers and coworkers.

125. On August 10, 2000, Plaintiff is the only examiner in the Adjudications Branch to be ostracized and excluded from Dugas' supervisory e-mail to the staff. This does not go unnoticed by Plaintiff's peers.

126. On August 24, 2000, Pittman sends e-mail to the staff designating as Acting Supervisor non-permanent, temporary "term appointee" examiner George Chandler, and trainee examiner David Drummond, designating each as back up for each other. Thus, again, Plaintiff, th*e* Senior Journeyman Examiner in the Adjudications Branch, is demeaned, degraded and deliberately humiliated in being directed to report to these temporary and trainee examiners.

127. On August 24, 2000, Pittman addresses supervisory e-mail to the staff, notifying naturalization unit employees that he will be out of the office August 28 through September 8. Pittman designates non-permanent, temporary, term appointee examiner Chandler and trainee examiner Drummond as Acting Supervisors, each as back up for the other if one of them is absent. Pittman intentionally ostracizes and excludes Plaintiff from the e-mail address. Plaintiff is not notified that Pittman will be absent from the office, nor of the Acting Supervisor designation. This disparate action does not go unnoticed by her peers.

128. August 28, 2000, Dugas addresses supervisory e-mail to staff, in which she remarks "…all NATZ DAOs are scheduled for interview tomorrow…" Since Senior Journeyman

Examiner Plaintiff has been removed from her Official Duties, and has been ostracized and excluded from the schedule, by this statement Dugas presents Plaintiff to her peers as nonexistent DAO in the office.

129. September 26, 2000, Dugas addresses supervisory e-mail to staff, intentionally ostracizing and excluding Plaintiff from the e-mail address. This disparate action does not go unnoticed by her peers. September 27, 2000, following the example of Dugas and Pittman, DAO Drummond addresses e-mail to the staff, ostracizing and excluding Plaintiff from the e-mail address.

130. On September 28, 2000, Plaintiff transmits by memorandum, her official case notes to DAO Charles Owens for a particular case.. After Plaintiff put in an outstanding, sustained superior performance on this case, making extensive inquiries and obtaining previously unknown intelligence information on the alien's background of suspicious felony activities which included bigamy, threatening to kill an attorney and his wife, prison for involuntary manslaughter, impersonating a Florida real estate agent, etc., without any input from Plaintiff, the interviewing case officer, Dugas removed the case file from Plaintiff's office, without her knowledge, because the alien's attorney, complained Plaintiff was asking for too much information on the alien's background and wanted a different officer to adjudicate the case other than Plaintiff.

131. Plaintiff was never apprised of this (non) complaint, nor was she given any opportunity to provide input prior to this (non) complaint being labeled "justified" and used by Dugas, Pittman, Jarina, Bulger and Wallis to engage in a Prohibited Personnel Practice of reprisals

and retaliation in an attempt to justify taking an adverse personnel action against Plaintiff by issuing her a PIP.

132.On October 6, 2000, Plaintiff again discovers by computer file tracking that her male counterpart, examiner Charles Owens, has a three-year old case still pending a decision by him. Yet, this same issue of having old pending cases was utilized by Dugas, Pittman, Jarina, Bulger and Wallis to engage in a Prohibited Personnel Practice of reprisals and retaliation in an attempt to justify taking an adverse personnel action against Plaintiff by issuing a trumped up, fabricated Performance Improvement Plan (PIP) in January of 1999.

133.On October 17, 2000, Plaintiff found out that DAO Richard Kalb was assigned to take over a felony fraud sham marriage case that was removed from Plaintiff's office without her knowledge. Plaintiff was the interviewing case officer, her written work was ignored and destroyed by management officials, and the case reassigned to one of her peers for no apparent reason.

134.On October 18, 2000, Plaintiff asked Dugas the status of Plaintiff's written decisions on six cases wherein she documented felony bigamy, felony fraud, false statements, etc. Five of these cases have been pending with Dugas for three years, the sixth case for two years, without any known action, the denials never issued. Dugas ignores Plaintiff's inquiry and fails to respond.

135.On October 18, 2000, by Memorandum, Plaintiff inquires of Dugas, for the third time, on the status of a case pending with Dugas, which has a date certain, time sensitive deadline for a final rescission. Plaintiff prepared and submitted to Dugas for issuance, a Notice of Intent to Rescind involving misrepresentation, false testimony, fraud, including verification from experts

at the INS Forensic Document Laboratory and New York City Clerk of Court of fraudulently altered U.S. birth certificate and U.S. marriage certificate. Dugas ignores Plaintiff's inquiry and fails to respond to Plaintiff's three written inquiries on the status of her written work on this case.

136.On October 18, 2000, by Memorandum, Plaintiff notifies DAO Terry Frye that she has learned a specific fraud case was removed from her office and reassigned to Frye. Plaintiff informs DAO Frye that over one and a half years ago, in March of 1999, she had obtained a confession and withdrawal of the visa petition by the U.S. citizen petitioner based on a fraudulent sham marriage and had then prepared a written denial of the alien's application. Plaintiff transmits the written denial she had prepared for DAO Frye's use. Frye informs Plaintiff that when the case was reassigned to her Plaintiff's written denial was not in the case file.

137.On October 19, 2000, by Memorandum, Plaintiff apprises and documents to Bulger and Wallis the Service (INS) videotaping policy requiring that all interviews are to be videotaped, both adjustment and naturalization, and how 12 trainee examiners have never been required to comply with this Service policy and have never been required to videotape any interview, nor has newly arrived journeyman examiner, Richard Kalb, who is conducting marriage interviews ever been required to videotape any interview. Yet, this Service policy was selectively, arbitrarily applied solely to Plaintiff so Dugas, Pittman, Jarina, Bulger and Wallis could punish Plaintiff by engaging in a Prohibited Personnel Practice of reprisals and retaliation in an attempt to justify taking an adverse personnel action against Plaintiff by issuing a 30 Days Suspension Without Pay. Bulger and Wallis ignore Plaintiff and failed to respond.

138.On October 23, 2000, through Pittman, Plaintiff was served a letter from Bulger of a Notice of Official Reprimand to be placed in Plaintiff's Official Personnel File (OPF) for Disrespectful Conduct. This fabricated allegation derives from the interview Plaintiff conducted seven months earlier on March 23, 2000 on the two N********** sisters.

139.Within one week after Plaintiff filed a Request for Hearing with the EEOC, on March 28, 2000, Plaintiff received a memorandum from Pittman falsely accusing her of abusive treatment of the N**********. Pittman, Jarina, Bulger and Wallis then conspired to have Plaintiff interrogated in a bogus investigation over a complaint that management officials themselves instigated, not the applicants.

140.Plaintiff was given ten days to respond to Bulger's notice prior to having the adverse personnel action of an Official Reprimand placed in her OPF. Although Plaintiff requested a copy of the videotape and a copy of all material evidence used and she was informed in Bulger's letter that she would be given ten days to respond, Plaintiff was never provided any material evidence to review on which the notice was based. Plaintiff was denied her rights of the opportunity to review and respond to all material evidence in the case file.

141.Plaintiff was not provided a copy of the videotaped interview until two weeks after the ten-day deadline had expired and the Official Reprimand was placed in her OPF. Plaintiff did not receive a copy of the videotape evidence until November 20, 2000. Plaintiff has never been given the opportunity to review all of the material on which this adverse personnel action was based. Plaintiff has never been provided a copy of all material evidence, including the investigator's report and all correspondence, memoranda and communication. Thus, Pittman, Jarina, Bulger and Wallis in their eagerness and haste to conspire to engage in another

Prohibited Personnel Practice of reprisals and retaliation in an attempt to justify taking an adverse personnel action against Plaintiff by issuing her an Official Reprimand, they deprived Plaintiff of her rights and opportunity to provide a complete, accurate and proper response during the ten day notice period.

142.On October 25, 2000, Pittman addresses supervisory e-mail to the staff, intentionally ostracizing and excluding Plaintiff from the e-mail address. This does not go unnoticed by her peers. On October 25, 2000, Plaintiff e-mails Bulger and Wallis apprising them of the Time Sensitive-Date Certain Deadline on a Rescission case for Felony Marriage Fraud and the failure of Dugas to respond to her written rescission or to her three written inquiries. Bulger and Wallis ignore Plaintiff's concern and fail to respond.

143.On October 25, 2000, Plaintiff e-mails Bulger and Wallis apprising them of the written denial she prepared almost a year and a half ago for Felony forgery, perjury and false testimony in a Felony Fraud Sham Marriage case in which experts at the INS Forensic document lab had verified Felony Forgery, and of the lack of action and dereliction of duty by Dugas, Pittman and Jarina on this case. Bulger and Wallis again ignore Plaintiff's concern and fail to respond.

144.On October 27, 2000, Pittman e-mails the staff designating as Acting Supervisor non-permanent, temporary "term appointee" examiner George Chandler. By this designation, 27-year veteran of Federal service, Senior Journeyman Examiner Plaintiff is being ordered to report to a non-permanent, temporary "term appointee". All of Dugas, Pittman and Jarina's e-mails and memoranda designating examiners with less Federal service, trainees and temporary term appointees over Plaintiff the Senior Journeyman Examiner in Orlando, do not go unnoticed by her peers, coworkers and the public. Dugas, Pittman, Jarina, Bulger and Wallis deliberately

created skepticism of Plaintiff's dubious character, casting doubts on her professional competence and integrity among many of her co-workers.

145.On October 27, 2000, Plaintiff e-mails Bulger and Wallis and apprises them of another case in which Plaintiff documented Felony Bigamy and a Felony Fraud Sham Marriage in which Dugas has taken no action on for over two years. Bulger and Wallis again ignore Plaintiff's concern and fail to respond.

146.On November 1, 2000, Plaintiff e-mails Bulger and Wallis and apprises them of another case in which Plaintiff, as the interviewing case office, documented a Felony Fraud Sham Marriage case in which an alien Moroccan married four U.S. citizen women in an attempt to obtain permanent immigration status. The case was in Plaintiff's office pending a written denial for felony fraud. This felony fraud case was removed from Plaintiff's office, without her knowledge, and kept in Dugas' office for over two years without action. Bulger and Wallis again ignore Plaintiff's concern and fail to respond.

147.On November 2, 2000, Plaintiff e-mails Bulger and Wallis and apprises them of another case in which Plaintiff, as the interviewing case officer, through extensive efforts obtained previously unknown intelligence information in which Plaintiff documented numerous criminal felony activities of fraud, perjury, false testimony, bigamy, involuntary manslaughter, threats to kill and attorney and his wife, who are forced to get a restraining order against this alien, false Impersonation of a Florida real estate agent, etc., and that this case was removed from Plaintiff's office, without her knowledge, and was kept in Dugas' office without action for two years and then, after Plaintiff had already obtained extensive information on the alien's criminal

background, two years later Dugas reassigned the case to one of Plaintiff's peers. Bulger and Wallis again ignore Plaintiff's concern and fail to respond.

148.The numerous acts of removing felony cases from Plaintiff, the interviewing case officer, after Plaintiff has documented felony activity, are deliberate, calculated acts to impugn and malign Plaintiff's professional reputation and professional competence to her peers, coworkers and to the public.

149.On November 3, 2000, Dugas e-mails the staff in which she makes reference to "Mike's staff meeting" (Pittman), a staff meeting which Plaintiff was never notified of and was excluded from attending. Plaintiff is ostracized and excluded from attending either Dugas or Pittman's supervisory staff meetings.

150.On November 3, 2000, Pittman e-mails the staff designating as Acting Supervisor non-permanent, temporary "term appointee" examiner George Chandler. Pittman even remarks in regard to Chandler "Assuming he is healthy enough…" Pittman designates trainee examiner Dave Drummond as Acting Supervisor as back up if George cannot come in.

151.On November 13, 2000, Plaintiff e-mails Bulger and Wallis apprising them of another case in which Plaintiff as the interviewing case officer documented a felony fraud sham marriage in which the U.S. citizen confessed the alien paid him to marry her. Plaintiff prepared an in depth, detailed written denial articulating the facts. Dugas failed to respond to Plaintiff's written denial. Bulger and Wallis again ignore Plaintiff's concern and fail to respond.

152.From June of 2000 through January of 2001, while illegally Removed from her Official Duties, Plaintiff was excluded from being placed on the examiner's posted monthly schedule. ALL examiners are shown on this monthly schedule, which is posted on an office bulletin board

for all Orlando Sub Office employees to see, which deliberately ostracizes and excludes Plaintiff, the Senior Journeyman Examiner.

153.On December 5, 2000, Plaintiff receives an e-mail from Pittman threatening with charging her AWOL for not notifying him of her absence for being out sick. Plaintiff responds inquiring how Pittman so readily threatens her with an adverse personnel action of AWOL when he acknowledged receiving a voice mail message from her.

154.On December 6, 2000, Plaintiff responds to Pittman by e-mail and also addresses Bulger and Wallis, requesting clarification that she is suddenly, arbitrarily being singled out and ordered when calling in sick not to leave a voice mail message which was a long running past practice engaged in by all employees. DOJ-INS management officials now cause Plaintiff to make unending, numerous phone calls to the office when in bed sick with pain, until she finally gets through to either Dugas or Pittman who come in at varying times each day. This has never been required of Plaintiff in 27 years of federal service. Plaintiff notes that this has not been required of any other employee, only her.

155.December 6, 2000, in an attempt to backtrack on their harassing, subjective, disparate treatment of Plaintiff the day before, Dugas and Pittman send out a memorandum to employees that they will not be allowed to leave voice mail messages when calling in sick.

156.In their Memorandum dated December 6, 2000, Dugas and Pittman refer to a memorandum from Dugas dated August 27, 1999, where there is no "floating schedule". This memorandum was also issued in an attempt to backtrack in their long running, gender discrimination, and disparate and retaliatory treatment towards Plaintiff. For the entire previous year, Plaintiff's male co-workers, DAO Charles Owens and DAO George Chandler, were

authorized by Dugas, Pittman and Jarina to arrive at work every day at varying times, any time they wanted, and then work after hours to make up for being late. They were never charged annual leave for being 10, 15, 20, 30, 45 minutes late up to over an hour late, and were thus allowed to change their shifts on a daily basis, at their convenience. After Dugas, Pittman and Jarina allowed this practice to perpetuate every day for over a year, Plaintiff did this once on August 26, 1999 and the very next day, on August 27, 1999, Dugas and Pittman wrote this memorandum suddenly stopping the year long practice and preferential treatment offered to Plaintiff's two male co-workers.

157.On December 6, 2000, Plaintiff receives a Memorandum from Inspector Liliana D'Angeli after she has reviewed the videotape of the N********** interview for which Plaintiff was issued an adverse personnel action of an Official Reprimand. D'Angeli found nothing out of the ordinary, no abusive treatment and even notes that the N********** smiling and laughing along with Plaintiff who addressed them respectively as "ladies".

158.On December 8, 2000, Pittman addresses a supervisory e-mail to the staff, intentionally ostracizing and excluding Plaintiff from the e-mail address. This disparate action does not go unnoticed by her peers. On December 14, 2000, Pittman sent an e-mail to the staff designating as Acting Supervisor non-permanent, temporary "term appointee" examiner George Chandler and examiner Ivonne Maldonado and also addressed the issue if the Acting Supervisor does not come in to work the other will be a backup. Again, Plaintiff, a GS-12 grade level Senior Journeyman Examiner, is directed to report to lower grade employees as designated acting supervisors, or to a non-permanent, temporary term appointee examiner.

159.This deliberate, disparate treatment by Dugas, Pittman and Jarina is calculated to intentionally malign, demean and degrade Plaintiff's professional competence and reputation to her peers, coworkers and to the public, as the Senior Journeyman Examiner, Plaintiff has never been designated in a fair and equitable rotation as an Acting Supervisor in the past five years since filing the EEO Physical Disability and Reprisal Complaints in 1996.

160.Reasons given by Dugas, Pittman and Jarina for their false justifications of this demeaning, disparate treatment has been that Plaintiff is out sick too much, however they frequently designate two Acting Supervisors as back ups for each other in case one is out sick and Dugas and Chandler are absent from the office more than most any other employee.

161.In December of 2000, Dugas refused to acknowledge Plaintiff's availability and presence on duty as the Senior Journeyman Examiner in Orlando during the Christmas holidays, causing Examiner Ana Pardo's vacation leave request for December 26, 2001 to be denied. Plaintiff was scheduled to work on that day, and the office needed coverage, but Pardo had to come to work even though Plaintiff was already scheduled to work that day. Plaintiff is deliberately subjected to an extreme hostile work environment, intentionally created by Dugas, Pittman, and Jarina, consistently treating Plaintiff before her peers and coworkers as if she does not exist.

162.On December 19, 2000, Plaintiff e-mails Pittman, Dugas, Jarina, Bulger and Wallis, a second request for clarification on their new and sudden policy to require sick employees to make numerous phone calls to report to the office when they will not be in. Pittman, Dugas, Jarina, Bulger and Wallis ignore Plaintiff's request and fail to respond.

163.On December 21, 2000, Plaintiff having received no response in two months to her previous e-mails, again sends several e-mails to Bulger and Wallis inquiring on why they have failed to respond to Plaintiff's concern over the dereliction of duty by Dugas, Pittman and Jarina for two and three years on numerous cases in which Plaintiff documented felony activity by aliens, including confirmation from experts at the INS Forensic Document Laboratory. Bulger and Wallis ignore Plaintiff's concerns and inquiries and fail to respond.

164.On December 22, 2000, Plaintiff, having received no response in seven weeks to her previous e-mails, again e-mails Bulger and Wallis inquiring on why they have failed to respond to Plaintiff's concern over the dereliction of duty by Dugas and Jarina for two years and two and a half years, respectively, on a felony fraud sham marriage case involving an alien Moroccan's four marriages to U.S. citizens and the numerous felony activities by another alien, including felony bigamy, involuntary manslaughter, felony impersonation of a Florida real estate agent, threatening to kill and attorney and his wife, etc. Plaintiff documented the felony activities in both cases with no action taken for more than two years by Dugas and Jarina. Bulger and Wallis ignore Plaintiff's concerns and inquiries and fail to respond.

165.In December of 2000, Plaintiff documents a minimum of ten cases, which are awaiting a final decision by other examiners from eight months to three and one half years. Yet, this same issue of having old pending cases was utilized by Dugas, Pittman, Jarina, Bulger and Wallis to engage in a Prohibited Personnel Practice of reprisals and retaliation in an attempt to justify taking an adverse personnel action against Plaintiff by issuing a trumped up, fabricated Performance Improvement Plan (PIP) in January of 1999, within six weeks of Plaintiff filing an Informal EEO complaint.

166.On December 27, 2000, Pittman e-mails the naturalization unit staff of the posted January and February revised officer interview schedules, which ostracize and exclude Plaintiff.

167.On December 28, 2000, Pittman writes EEO Counselor Amanda Ferland and exhibits very revealing evidence of his bias, prejudice, animosity and animus towards Plaintiff and states in relevant part:

> . . . If I sound exasperated, it is simply from having to answer questions on the same issues time after time after time. Although Ms. Schneider managed to come up with a few new complaints on this one, her complaints are always basically the same. She seems to think the world revolves or should revolve around her, that ever action we take or decision we make is somehow directed against her. It is very frustrating that the EEO program, which is intended to assist minorities in need, can be manipulated by an undeserving person for their own personal agenda . . .
>
> . . . The management of this office has tried to correct the many problems in her performance and conduct to make her a productive employee who complies with Service policies. She has refused all efforts to assist her, reacting with hostility and vindictiveness. It is, in fact, Ms. Schneider who is harassing managers and striving to create a hostile work environment. . .
>
> . . .Ms. Schneider, unfortunately, is a person consumed with anger and bitterness over perceived slights. Although Ms. Schneider's hostility may have been present earlier, it has escalated over the last ten years, since she was passed over for promotion to Port Director in Orlando. Since then, she has accused every first and second supervisor she has had of harassment and discrimination, frequently to the point of outright lies and false accusations. This one is the latest of many.

168.As of January 9, 2001, Dugas, Jarina, Bulger and Wallis have failed to acknowledge, recognize or reward Plaintiff's well-documented, sustained, superior enforcement record which in part involves, in just a two year period, through Plaintiff's diligence and extensive efforts, intercepting intelligence information on six marriage fraud rings and obtaining 19 signed confessions of guilt from participating conspirators in sham marriages.

169.Unlike other INS employees who are rewarded for much lesser performance, Plaintiff has never once been rewarded for this outstanding, exceptional enforcement performance. Instead, on April 15, 1998, Plaintiff received a Memorandum from Dugas chastising and reprimanding her the very next morning after she detected a Felony Fraud Sham Marriage ring and obtained two sworn, videotaped signed confessions and intelligence information on other conspirators in the ring.

170.In complete opposite contrast Plaintiff did receive credit from INS Jacksonville Investigations. From July 12 to July 16, 1999, Plaintiff corresponded by e-mail with an INS Jacksonville Investigator who responded to Plaintiff the enforcement results instigated and based on her sustained, superior enforcement performance on detecting a Felony Fraud Sham Marriage ring, in which Plaintiff obtained two signed confessions of guilt, and the intelligence information she provided Jacksonville Investigations, which resulted in 25 fraudulent marriages identified, three convictions, three declinations of prosecution, four indictments and arrest warrants issued, and two other aliens confessed to marriage fraud, with more to come.

171.On January 25, 2001 Plaintiff received a Memorandum from SDAO Michael Pittman entitled "Interviews" in which, as The Senior Journeyman Examiner in Orlando, Plaintiff was now being added to the interview schedule after having been illegally Removed from her Official Duties and illegally prevented from performing the duties of her PWP for eight months, from May of 2000 through January of 2001.

172.In the Memorandum SDAO Pittman, without any substantiated evidence whatsoever, eludes, infers and makes innuendo that Plaintiff is a racist wherein he states "…I will not permit abusive treatment of applicants or their families, nor will racist attitudes be acceptable…"

173.In this Memorandum, Pittman, in collusion with Dugas, Jarina, Bulger and Wallis, continue their abusive, hostile, disparate treatment, threatening Plaintiff that "…any complaint filed against you will be investigated fully…" Plaintiff has never committed any action that would warrant such a memorandum from DOJ-INS management officials.

174.Although exonerating material evidence exists in videotapes, these bogus, fabricated complaints were used by these named Reprising Officials, to contrive false allegations of abuse in order to justify illegally engaging in Prohibited Personnel Practices of reprisals and retaliation in the form of a Performance Improvement Plan, Unacceptable Performance rating, a 30 Day Suspension without Pay and presumably the fabricated excuse used to illegally remove and prevent Plaintiff from performing her official duties for eight months. DOJ-INS management official's actions against Plaintiff are due to her prior EEO activity.

175.Of what Plaintiff believes are some 34 bogus complaints, she was never apprised of more than half of these fabricated allegations, never told the complaints existed, was never given an opportunity to respond and was denied any opportunity to provide input prior to their being illegally used by DOJ-INS management officials to justify derogatory remarks on Plaintiff's performance appraisals, negating any opportunity for promotion or increased salaried income.

176.In Pittman's January 25, 2001, Memorandum, he also states "…you are required to obey orders and follow instructions in the same manner as any other employee. You are required to videotape every interview that you conduct…Interruptions in the recording of an interview, failure to record the beginning or end of any interview, or failure to record an interview in its

entirety will result in my recommendation for disciplinary action for failure to follow instructions…"

177.Again, Plaintiff is being subjected to abusive, hostile, disparate, retaliatory treatment in that no other examiner in Orlando has ever been subjected to this same order or threat of disciplinary action for failure to videotape every interview, in its entirety. DOJ-INS management officials Pittman, Dugas, Jarina, Bulger and Wallis arbitrarily applied this directive to videotape every interview solely to Plaintiff in order to justify engaging in illegal Prohibited Personnel Practices of reprisals and retaliation and numerous adverse personnel actions. Other examiners were never subjected to these threats or adverse personnel actions such as Plaintiff were.

178.Again on February 28, 2001 and March 12, 2001, DOJ-INS management officials ordered Plaintiff, the Senior Journeyman Examiner in Orlando, to report to lower grade and non-permanent "term appointee" examiners who are designated as Acting Supervisors. DOJ-INS management officials continue to retaliate against Plaintiff for refusing to designate her in fair and equitable rotation as an Acting Supervisor. Without supervisory experience, it is next to impossible to every receive a promotion to a supervisory position. These are competitive positions and employees with supervisory experience are usually promoted over employees without any supervisory experience.

179.On or about February 22, 2001, DOJ-INS management officials again continued their actions of intentionally creating additional work for Plaintiff by needlessly destroying written denials without justification for inconsequential nit picking yet approving other examiners' incorrect work.

180.On or about January 23, 2001, DOJ-INS management officials continued reprisals against Plaintiff for removing her from supervisory e-mail to the staff, intentionally ostracizing and excluding Plaintiff from the e-mail address. This disparate action does not go unnoticed by her peers.

181.On or about February 13, 2001, DOJ-INS management officials continue their reprisals of disparate treatment in requiring only Plaintiff to videotape all interviews. SDAO Michael Pittman's e-mail to examiners ten months ago, in April of 2000, stated that video cameras had been located by INS Officer in Charge Stella Jarina at the Miami District Office and would arrive shortly. Many of these examiners have been conducting interviews for two and three years and never been required to videotape their interviews.

182.On or about March 27, 2001, DOJ-INS management officials continued their reprisals against Plaintiff when none of her exceptional, sustained superior, outstanding enforcement performance in detecting and intercepting six Felony Fraud Sham Marriage rings and obtaining a quantity of signed, sworn videotaped confessions, has ever been acknowledged, recognized or rewarded as is done for other employees throughout the Service. Plaintiff actually received reprimands and chastisements after intercepting two of these Marriage Fraud rings. Plaintiff's co-workers have received QSI and cash awards year after year after year for no known or observable superior performance; yet Plaintiff's well-documented superior outstanding enforcement performance received retaliatory reprimands and adverse personnel actions.

183.From October of 1999 through January of 2001 through May of 2001 DOJ-INS management officials continued their reprisals against Plaintiff when she becomes aware that nonpermanent "term appointee" examiner George Chandler has consistently carried ten (10)

times the backlog as other naturalization examiners. He has naturalization cases pending his decision two years after his interview. Examiner George Chandler has been assigned half the caseload and is being scheduled twice the review time as other examiners and Plaintiff to work on his huge backlog. Yet, these reprising officials used Plaintiff's backlog, which was much less than Chandler's, in an attempt to justify illegal Prohibited Personnel Practices of reprisals and retaliation in issuing adverse personnel actions of 30 Days Suspension without Pay, a PIP and Unacceptable Appraisal.

184.From September of 2000 to March 2, 2001, DOJ-INS management officials continued their reprisals by failing to respond to numerous memoranda and e-mail from her regarding her written work on cases in which she documented felony activity by illegal aliens; some of these cases have been pending with the supervisors for three years without action.

185.On March 15, 2001, Plaintiff received SF50-B Notification of Personnel Action for a 40-hour time off for "Group Time Off Award" for meeting the adjustment/naturalization goals by the end of the fiscal year. This is the second 40 hours time off award for Orlando adjudication employees in two years, for 1999 and 2000.

186.Plaintiff received both group awards but these reprising officials retaliated against Plaintiff in a disparate manner to that of all other employees and failed to issue Plaintiff six (6) mandatory personnel actions of performance appraisal ratings of record, progress review appraisal ratings of record and performance work plans (PWP) in 1999, 2000 and 2001.

187.On April 25, 2001, Plaintiff wrote a memorandum to Pittman, copied to Officer in Charge Stella Jarina, Miami Deputy District Director John Bulger and Miami District Director Robert Wallis, subject: Exceptional, Outstanding Performance in meeting the Necessary Criteria

to be Awarded three (3) 8-Hour Time Off Awards in the Service Star Awards Program, with attached copies of 150 favorable public compliment cards.

188.On May 8, 2001, Plaintiff wrote a memorandum to Wallis and Bulger, subject: Service Star Awards, in which she enclosed the final 13 original cards of the 150 total favorable public compliment cards received, and document for the record, that they have failed to respond to Plaintiff's repeated requests for a supply of original yellow compliment cards as they are providing to other employees, and have refused to credit Plaintiff on their district web site as they are doing for all other Miami District employees.

189.On May 17, 2001, Plaintiff wrote a memorandum to Pittman, subject: DAO George Chandler's N-400 cases. Shortly after this memorandum, Plaintiff was given an additional 23 cases of Chandler's to write the decisions for him, cases which have been pending a decision from Chandler for two and three years after the interview.

190.On May 23, 2001, Plaintiff sent an e-mail to Pittman in response to his arbitrary, disparate inquiry if Plaintiff is taping interviews. Plaintiff's e-mail of February 13, 2001, responding to Pittman's directive to tape over existing videotapes.

191.On June 7, 2001, Plaintiff wrote a memorandum to Wallis and Bulger, subject: Service Star Award Program, in which Plaintiff enclosed 50 additional favorable compliment cards completed by the public which brings the total received favorable public compliment cards to 200, which is more than any other Miami District employee, and document for the record that they have continued to fail to respond to Plaintiff repeated requests for a supply of original yellow compliment cards as they are providing to other employees, and have refused to credit Plaintiff on their district web site as they are doing for all other Miami District employees.

192.Plaintiff sent e-mails on April 16, 17, May 8, and 21, 2001, wherein Plaintiff requests a supply of the Service Star Award yellow compliment cards. Plaintiff never received this supply of compliment cards. Instead, Plaintiff was forced to make available to the public, black and white photocopies of the card.

193.On the July 13, 2001, Miami District web site, District employees are given credit for the number of points they have received in the Service Star Award Program; compliment cards are assigned 50 points each. Although the reprising officials received all 212 favorable compliment cards completed by the public in original, in an arbitrary, disparate, retaliatory manner, they refuse to credit Plaintiff with the 10,600 points that she has achieved.

194.June 11, 2001, Plaintiff received an e-mail from Pittman to the staff designating Ivonne (Maldonado) and Ely (Borjal) as Acting Supervisors over Plaintiff, the Senior Journey Examiner in Orlando

195.On June 13, 2001, in a letter from attorney David Stoller to DAO George Chandler, Stoller requests a decision on the Appeal Hearing of January 30, 2001, and refers to his previous unanswered four status inquiry letters.

196.Form G-601 evidences the Appeal case which DAO Chandler did not complete by the deadline which was then reassigned to Plaintiff to complete his work for him during the four months in which he was scheduled half the cases and twice the review time as Plaintiff.

197.In 1998 and 1999 Plaintiff's pending caseload, a backlog intentionally created by Dugas, Pittman and Jarina (in which Plaintiff's year long repeated verbal and written requests to be scheduled the necessary, required time to eliminate the ever increasing backlog were denied and ignored), was used by Dugas, Pittman, Jarina, Bulger and Wallis to engage in illegal Prohibited

Personnel Practices of Reprisal and Retaliation to justify taking adverse personnel actions by issuing Plaintiff a Performance Improvement Plan (PIP), an Unacceptable Appraisal Rating and 30 Days Suspension Without Pay.

198.In June of 1999, when approximately two thirds of Plaintiff's pending cases were removed from Plaintiff's office and reassigned to Plaintiff's counterparts, they were scheduled more than 118 additional days to complete work on Plaintiff cases, time Plaintiff was repeatedly denied.

199.In an arbitrary, disparate manner to the way Plaintiff was retaliated against, DAO George Chandler instead was assigned half the cases and twice the review time than Plaintiff from February through May of 2001. Pursuant to Pittman's e-mail of May 17, 2001, Plaintiff and other officers were assigned old cases, which have been pending with Chandler for two and three years, to do his written work for him.

200.On June 19, 2001, Plaintiff receives an e-mail from Dugas in which Pittman designated Chandler (George) as Acting Supervisors over Plaintiff. As the Senior Journey Examiner in Orlando Plaintiff is being ordered to report to non-permanent, temporary, term appointee Chandler.

201.On June 28, 2001, Plaintiff wrote a memorandum from Joseph P. Ambrogio, Special Agent, Office of Internal Audit, INS HQ, subject: Your Required Appearance and Sworn Testimony in Accordance with Operations Instruction (OI)287.10 as the Subject of an alleged misconduct relating to Unprofessional Conduct of an Officer Soliciting and Intimidation

202.On June 28, 2001, Plaintiff wrote a memorandum to Joseph P. Ambrogio, Special Agent, OIA, subject: Notice to Appear as Subject of Alleged Misconduct Relating to Unprofessional

Conduct of an Officer, Soliciting and Intimidation wherein Plaintiff advises that she is more than willing to answer any questions when a union representative is present; that Plaintiff was given only five hours notice and Plaintiff avails her rights to 48 hours provided by the Union contract to secure union representation.

203.On June 28, 2001, Plaintiff sent an e-mail to Elizabeth Delgado-Reider, Assistant Center Director for EEO, Eastern Region, Burlington, Vermont and D. Diane Weaver, Director, Office of EEO, NS HQ, Washington, D.C. in which Plaintiff apprises them of the filing of an informal EEO complaint this date for continuing Reprisals.

204.On June 29, 2001, Plaintiff wrote a memorandum to Joseph P. Ambrogio, Special Agent, OIA, subject: Notice to Appear as Subject of Alleged Misconduct Relating to Unprofessional Conduct of an Officer, Soliciting and Intimidation wherein Plaintiff advises that after multiple attempts, six union representatives are unavailable and that Plaintiff has 48 hours pursuant to the Union contract to secure union representation.

205.On June 29, 2001, in an attempt to harass and intimidate, the reprising officials, in conspiracy with INS HQ Office of Internal Audit, issued Plaintiff an Order to Compel threatening Plaintiff with possible revocation of Plaintiff's official security clearance, institution of disciplinary action and dismissal and termination from Federal service.

206.Although Plaintiff was given hardly five hours notice during a morning of interviews to acquire proper union representation, and even though reprising officials had been apprised, in writing, that Plaintiff asserted her rights provided in the Union Contract for 48 hours to obtain proper union representation, and that Plaintiff had made concerted efforts to obtain union representation, however six stewards were unavailable, and that use of union steward George

Chandler was an extreme conflict of interest, these reprising officials proceeded with their conspired intentional harassment.

207.On June 29, 2001, Plaintiff wrote a memorandum to Joseph P. Ambrogio, Special Agent, OIA, subject: Notice to Appear as Subject of Alleged Misconduct Relating to Unprofessional Conduct of an Officer, Soliciting and Intimidation wherein Plaintiff advises that she is being denied 48 hours to secure union representation, that Plaintiff will not be forced to accept George Chandler as a union representative in these proceedings as this would be an extreme conflict of interest.

208.Without hesitation or investigation, Plaintiff's male counterpart, DAO Marvin Lehman, was issued a time off award for receiving 50 compliment cards as well as awards given to Orlando inspector Dinorah Paulino for receiving a large quantity of compliment cards when she has no office, no desk and hands out the compliment cards to the public as well, even to those in detention. It is a well-known fact that Plaintiff's counterpart, DAO Chandler, hands out compliment cards to the public, as do other employees such as DAOs Borjal and Lehman.

209.To Plaintiff's knowledge, no other District employee has been subjected to a retaliatory, harassing, trumped up, bogus investigation for a sustained, superior, exceptional performance in customer service, receiving more favorable public compliment cards than any other district employee.

210.Ambrogio, had questioned some of the people that filled out the compliment cards with them multiple questions about Plaintiff, such as if Plaintiff filled out the compliment cards for them, and if Plaintiff intimidated or forced them to complete the cards, etc.

211.Ambrogio then informed Plaintiff that he and Pittman were going into Plaintiff's office

to look through all the items in her office. Plaintiff requested to know why. Ambrogio responded that he did not have to tell Plaintiff what they were looking for but then relented and said he was looking for any more compliment cards that he had not seen; as if to infer that Plaintiff was intentionally withholding any other compliment cards after having already forwarded some 200 compliment cards for the achieved recognition and awards.

212.Plaintiff informed Ambrogio that there were no further compliment cards in Plaintiff's office but that Plaintiff had some at home waiting until Plaintiff received fifty and would then forward them to Bulger as Plaintiff had done in the past.

213.Ambrogio reacted with disbelief and said he and Pittman were now going to look through everything in Plaintiff's office. Plaintiff voiced her objection declaring that her office was unlocked at all times, Plaintiff's office door is left wide open after hours and that they could look through Plaintiff office anytime after hours. That to do so in the middle of the day in front of Plaintiff coworkers was harassment. Ambrogio backed off and turned to Pittman saying that it could appear as harassment. With absolutely nothing to hide, and having done nothing wrong, Plaintiff informed Ambrogio he could go ahead so Plaintiff could document the harassment for the record.

214.These reprising officials proceeded to intentionally reprise and retaliate against Plaintiff in a disparate manner to that of all other district employees, with intentional harassment and intimidation for any of Plaintiff's coworkers to observe.

215.Ambrogio then searched Plaintiff’s office and proceeded to feign going through all of the file folders in all of Plaintiff's file cabinets and desk drawers proclaiming to be looking for a possible completed compliment card, which Plaintiff was withholding. This bizarre harassment

was observed by one of Plaintiff coworkers.

216.No other district employee was subjected to this same unequivocal fabricated, bogus investigation, threats of loosing Plaintiff's security clearance, threats of disciplinary action, threats of termination from 28 years of federal service, abusive treatment and attempted intimidation for receiving large quantities of compliment cards which they personally handed out to the public.

217.Other district employees were given the awards promised in the Service Star Award Program, Plaintiff instead was subjected to discrimination, retaliation and unadulterated harassment for providing unprecedented, outstanding customer service, above and beyond that of any other district employee.

218.In order to engage in a multitude of Prohibited Personnel Practices of reprisal and retaliation, and in order to justify taking adverse personnel actions against Plaintiff, Dugas, Pittman, Bulger, Wallis, Ambrogio and Chase have consistently fabricated allegations of abuse and racism that they clearly knew were not true. INS officials have repeatedly refused to acknowledge exonerating material evidence and reward Plaintiff's exceptional superior performance.

219.On July 5, 2001, Plaintiff received an e-mail from SDAO Susan Dugas to staff restricting officers to ten hours of overtime per pay period until further notice.

220.DAO Terry Frye's time card for pay period No. 13, evidences that she was authorized 14 hours of overtime. Plaintiff was restricted to only ten hours of overtime, however, in a disparate manner, Dugas is authorizing other officer(s) more time.

221.On July 6, 2001, Plaintiff wrote a memorandum to Bulger, Jarina, Pittman and e-mailed

Ambrogio, subject: Service Star Award Program, in which Plaintiff transmitted an additional 12 favorable public compliment cards and six (6) other cards and letters received from the public. This was in response to Ambrogio's July 2, 2001 e-mail request asking Plaintiff for any additional favorable public compliment cards that Plaintiff received.

222.On or about July 10, 2001, Michael Pittman falsely accused Plaintiff of harassing INS office contract clerks.

223.On June 28, 2001, in compliance with President Bush's directive to provide excellence in customer service, Plaintiff went above and beyond the norm, and interviewed an applicant for certificate of citizenship early at 7:45 a.m., before her appointment, so she could get to work since she was not paid for time away from work. At 9:25 a.m. the applicant was still waiting for the certificate to be typed, imploring the office to mail the certificate of citizenship so she could go to work. The contract clerks refused Plaintiff's request to type the certificates as Plaintiff approved each case with the applicant waiting in the lobby. The contract clerks refused to type the certificates until after Plaintiff had completed all morning interviews, which was after 11:00 a.m., and resulted in Plaintiff's appointments waiting unnecessarily for more than three hours.

224.On July 12, 2001, Plaintiff received five letters dated July 12, 2001 from Bulger as part of the Service Star Award Program entitled "Platinum", "Gold", "Bronze", "Silver" and "Double Platinum" Service Star Award.

225.Although Plaintiff received these minor awards, Bulger and Wallis knowingly and willfully discriminated and reprised against Plaintiff in a disparate manner to that of all other district employees, by only acknowledging 30 compliment cards and refusing to acknowledge the total amount of 212 favorable compliment cards that Plaintiff received from the public,

which entitled Plaintiff to four each of the Platinum, Gold, Bronze, Silver and Double Platinum Awards and four (4) Service Star Hall of Fame Eight Hour Time Off Awards.

226.While acknowledging and rewarding other district employees, Wallis and Bulger instead discriminated and reprised against Plaintiff in a disparate manner to that of other district employees by failing to acknowledge the additional appreciation letters that Plaintiff had recently received from Lutheran Social Services, Morris, Popovich, Ramoso, Allan and Baker.

227.As of this date, Dugas, Pittman, Jarina, Bulger and Wallis have engaged in illegal Prohibited Personnel Practices of reprisal and retaliation and have refused to acknowledge, recognize or reward Plaintiff in the same fair and equitable manner as other INS employees for Plaintiff's outstanding, sustained, superior enforcement performance and exceptional customer service performance.

228.Although INS officials have been apprised of this documented evidence, they have knowingly and willfully discriminated and reprised against Plaintiff by refusing to acknowledge and reward large quantities of favorable complimentary letters and compliments that Plaintiff has received from the public, ignoring 182 of the 212 favorable public compliment cards that Plaintiff received which have not been credited on Wallis and Bulger's district web site, nor has Plaintiff been awarded with any of the four (4) eight hour time off awards provided for in their Service Star Awards program, in the same equitable manner being given to other employees upon achieving the required set goals.

229.As of this date, Pittman, Jarina, Bulger and Wallis have engaged in illegal Prohibited Personnel Practices of reprisal and retaliation by taking adverse personnel actions in failing to issue Plaintiff five (5) Performance Appraisal Ratings of Record, Progress Review Appraisal

Ratings of Record and Performance Work Plans (PWP) for the periods ending September 30, 1999, March 30, 2000, September 30, 2000, March 31, 2001, and September 30, 2001. These are mandatory and are made part of the annual appraisal rating of record.

230.In November, 2001 INS officials issued Plaintiff her March 31, 2000, annual performance, which by that time was of no use to Plaintiff. INS officials issued the performance appraisal only after the Office of Special Counsel required the Agency to do so. This appraisal was issued without the mandatory, semi-annual progress review appraisal.

231.To Plaintiff's knowledge all other Orlando INS employees received these regulation mandatory personnel actions.

232.On September 18, 2001, Michael Pittman falsely accused Plaintiff of removing case files from other officer's offices and telling officers what decisions to make.

233.On November 19, 2001, Plaintiff e-mailed Dugas, Pittman, Bulger and William Yates, expressing concern on the lack of action on a Muslim case in which Plaintiff had documented a felony fraud sham marriage, felony perjury and felony false testimony. This was one of many Muslim cases surreptitiously removed from Plaintiff's office, without her knowledge or input, and then approved. Plaintiff's official case notes suspecting a felony fraud sham marriage in this case were illegally removed from the case file. The Muslim applicant is now applying for removal of the conditions of residence so he may be awarded permanent residence. Dugas, Pittman, Bulger and Yates failed to respond to Plaintiff's concerns.

234.On November 21, 2001, Plaintiff e-mailed Dugas, Bulger and Yates expressing concern that three and a half years after Plaintiff wrote a revocation for felony bigamy, felony marriage fraud and felony perjury, the alien's adjustment application is still pending, in which Plaintiff's

supervisors never signed off on, and never returned to Plaintiff to mail out. DOJ-INS officials have allowed this illegal alien to continue living and working anywhere in the United States after committing several felonies. Dugas, Bulger and Yates failed to respond to Plaintiff's concerns.

235. Plaintiff also has expressed concern to INS officials over a Bangladeshi Muslim alien case in which she had documented a Felony fraud sham marriage, false testimony and obtained confirmation from experts at the INS Forensic Document Lab of the felony use of fraudulent documents. Over a year and a half earlier, in September of 2000, Plaintiff had prepared a Notice of Intent to Rescind the fraudulently obtained (lawful) permanent residence of this alien. His conditional residence had been erroneously approved by another officer who failed to pursue the felony activity. Plaintiff's diligent enforcement performance and work on this case was never acknowledged or rewarded, instead Plaintiff's enforcement work was ignored and never acted on.

236.The Notice of Intent to Rescind was never returned to Plaintiff to mail out and issue. A year and a half later DOJ-INS officials have allowed another Muslim illegal alien to continue living and working anywhere in the United States after committing several felonies. Dugas, Jarina, Bulger and Yates failed to respond to Plaintiff's concerns.

237.On December 4, 2001, after sending numerous e-mails to Bulger, Wallis and Yates without response, Plaintiff e-mailed INS Commissioner Ziglar and Yates expressing her concerns of gross malfeasance and dereliction of duty and apprising them of numerous illegal alien cases, in which Plaintiff had documented felony fraud sham marriages, felony forgery, felony bigamy, felony perjury, felony use of fraudulent documents and false misleading

testimony, and that INS officials have ignored and refused to take any action on Plaintiff's documentation of the illegal aliens' felony activities. These aliens were allowed to continue living in the United States with employment authorization for two, three and four years after Plaintiff had documented these aliens' felony activities. Plaintiff attached to the e-mail her documented official case notes and written denials in these fraud cases.

238.Plaintiff diligently documented the criminal activity of these aliens committing felony bigamy, felony forgery, felony use of fraudulent documents, felony perjury and false misleading testimony, fraud sham marriages, marrying four different Americans attempting to obtain a green card, criminal history backgrounds of imprisonment for involuntary manslaughter, threatening a witness, illegal flight to avoid prosecution, false claim to U.S. citizenship, threatening to kill an attorney and his wife, failure to pay child support for four U.S. children, false impersonation of a real estate agent, etc.

239.Plaintiff's diligent enforcement performance in this case was never acknowledged or rewarded. Instead, Orlando INS supervisors refused to sign off on the denials for two, three and four years. These cases were never returned to Plaintiff to mail out and issue fraud denials and NTA (Notice to Appear) to initiate deportation/removal proceedings or purse further investigation. DOJ-INS has allowed these illegal aliens to continue living and working anywhere in the United States after committing several felonies.

240.Plaintiff also apprised Ziglar and Yates in her e-mail that over 200 cases, in which Plaintiff had suspected or documented felony fraud sham marriages, were removed from her office, at night, after hours, without her knowledge or input, most all of them had been approved without any further separate in depth testimony, including over 50 Muslim illegal alien cases.

Ziglar and Yates failed to respond to Plaintiff's concerns.

241.On December 17, 2001, Plaintiff again e-mailed Ziglar and Yates forwarding her December 4, 2001 e-mail. Plaintiff expressed her concern over a Trinidad national felony fraud sham marriage case in which, on March 19, 1998, Plaintiff documented and videotaped multiple conflicting answers and discrepancies in separate in depth testimony. Before Plaintiff could write a fraud denial the case was removed from Plaintiff's office, and the illegal alien was approved for permanent residence. Plaintiff apprised Ziglar and Yates that this illegal alien's felony fraud was again rewarded with the supreme privilege of becoming a United States citizen on December 14, 2001. Ziglar and Yates failed to respond to Plaintiff's concerns.

242.On January 20, 2002, after going through channels without response, Plaintiff e-mailed Ziglar and Yates forwarding a November 29, 2001, e-mail to Dugas, Pittman, Jarina, Bulger and Yates which had been previously sent on October 25 and December 21, 2000, to Wallis and Bulger, regarding a case in which Plaintiff had documented felony perjury, a felony fraud sham marriage and false testimony. Plaintiff had also obtained confirmation from experts at the INS Forensic Document Lab of felony forgery by an illegal alien from the Dominican Republic. This alien was applying for United States citizenship having been previously approved for permanent residence by another officer who did not follow through on the felony activity. On July 12, 1999, Plaintiff wrote a denial of the naturalization application and also prepared an NTA (Notice to Appear) to place the alien into deportation/removal proceedings. Plaintiff expressed concern over the gross malfeasance and dereliction of duty of Dugas, Pittman Jarina, Bulger and Wallis for failure to take action on this case. Plaintiff's diligent enforcement performance was never acknowledged or rewarded.

243.Over two and a half years after Plaintiff documented felony acts, including obtaining confirmation from experts at the INS Forensic Document Lab (FDL), her work has been discarded. DOJ-INS officials have allowed this illegal alien, who is still in possession of a fraudulently obtain permanent resident card, to continue living and working anywhere in the United States after committing various felonies. Ziglar, Yates, Wallis, Bulger, Jarina, Pittman and Dugas failed to respond to Plaintiff's concerns.

244.On January 20, 2002, Plaintiff e-mailed Ziglar and Yates apprising them of another Muslim case, one of four illegal Muslim cases in that time period, which Plaintiff had continued to obtain separate in depth testimony for a suspected felony fraud sham marriage, and that these cases were surreptitiously removed from Plaintiff's office after hours and approved without any further in depth testimony. Plaintiff also advised Ziglar that in this case, her official cases notes had been illegally removed from the case file. Plaintiff expressed concern that these illegal Muslims are now applying for and receiving United States citizenship. Ziglar and Yates failed to respond to Plaintiff's concerns.

245.On January 23, 2002, Pittman e-mailed the staff regarding overtime. In retaliation, Pittman exhibited his animus towards Plaintiff in which he demeans and impugns Plaintiff's integrity to her peers that "not everyone has learned to share their toys" and that Plaintiff was denying them their due overtime, which Plaintiff had not. Pittman restricts officer's overtime making innuendo that they can blame Plaintiff. After disparaging remarks towards Plaintiff, Pittman later doubles the amount of overtime officers can work.

246.On February 1, 2002, Plaintiff again e-mailed Ziglar and Yates forwarding an e-mail previously sent to Wallis and Bulger who had failed to respond, apprising them of gross

malfeasance and dereliction of duty in a fraudulent sham marriage case.

247.Section 204(c) of the Immigration and Nationality Act (the Act) and 8 C.F.R. § 204, prohibit the approval of any further petitions, after an alien has conspired to enter into a marriage for the purpose of evading the immigration laws.

248.Plaintiff wrote a fraud denial based on section 204c of the Act. In June of 1995, the first U.S. citizen petitioner appeared at the Miami District Office and signed a withdrawal of the relative petition admitting he had been paid by the alien to marry her for a green card. In January of 1996, the alien was placed in deportation proceedings. In May, 1996, several months after being placed into deportation proceedings for engaging in a fraudulent sham marriage, the illegal alien then married a second U.S. citizen.

249.In September of 1997, Plaintiff wrote a Notice of Intent to deny the second relative petition based on fraud pursuant to section 204c of the Act, which was signed off on by both Dugas and Jarina and issued by certified mail. Plaintiff then wrote a final fraud denial of the second relative petition, which Dugas suddenly refused to sign.

250.In August of 1998, the Executive Office of Immigration Review granted this illegal alien Voluntary Departure in Lieu of Deportation, with an Alternate Order of Deportation, to depart the U.S. by March 1, 1999. The illegal alien was given the required warning notice that the voluntary departure would revert to a Final Order of Deportation, with a five year bar to adjustment of status to permanent residence, if she did not depart the U.S. by March 1, 1999.

251.Plaintiff's final fraud denial of the second relative petition was never signed off on by Dugas and Jarina which provided this illegal alien to suddenly allege spouse abuse on March 1, 1999, the very day the Final Order of Deportation took affect. This illegal alien filed a spouse

abuse petition, form I-360, at the Eastern Service Center (ESC), which was approved without any review of the case file, which was in Orlando. The alien then filed a third application to adjust status to lawful permanent resident.

252.Although Plaintiff notified the supervisor at the ESC I-360 Unit, by phone, fax and e-mail, forwarding the first U.S. spouse's signed confession that he had been paid by the alien to marry him for a green card, Plaintiff's notes and written denial, and apprised the supervisor of section 204(c) of the Act and that 8 C.F.R. § 204 applied to the case, and requested the supervisor to prohibit the approval of any further petitions, Plaintiff's diligent enforcement work in this case was discarded and dismissed.

253.The ESC supervisor notified Plaintiff in e-mail "the I-360 will not be revoked; there has been no finding by the service with which to apply 204(c) in this case."

254.After the illegal alien bribed an American to marry her for a green card, after committing felony fraud and submitting fraudulent documents, after being issued a Final Order of Deportation with a five year bar to adjustment, Orlando INS and the ESC dismissed Plaintiff's work in this case, in direct violation of U.S. law, and rewarded the illegal alien with an approved visa petition. Ziglar, Yates, Wallis and Bulger failed to respond to Plaintiff's concerns.

255.On February 14, 2002, Plaintiff again e-mailed Ziglar and Yates forwarding her January 20, 2002 e-mail again requesting a response. Ziglar and Yates failed to respond to Plaintiff.

256.On February 14, 2002, Plaintiff e-mailed Ziglar an Yates forwarding her December 4, 2001 e-mail again, expressing concern over the gross malfeasance and dereliction of duty of INS officials for failing to take action on felony fraud cases for two, three and four years after

Plaintiff has documented felony activity. Plaintiff had also sent in her December 4th e-mail, information on six felony fraud cases, several involving confirmation from the INS Forensic Document Lab, one involving felony bigamy and another felony forgery, and also including an INS investigator's confirmation of a previous fraud marriage for the purpose of obtaining an immigration benefit. The DOJ-INS has allowed these illegal aliens to continue living and working anywhere in the United States after committing various felonies. Ziglar and Yates failed to respond to Plaintiff's concerns.

257.On February 14, 2002, Plaintiff again e-mailed Ziglar and Yates requesting a response to her December 4, 17, 2001 and January 16, 2002, e-mails, in which Plaintiff expressed concern over the gross malfeasance and dereliction of duty of failing to take action on numerous cases, in which Plaintiff documented felony activity.

258.Plaintiff apprised Ziglar and Yates that in a two year period she had intercepted intelligence information on six felony fraud sham marriage rings and obtained 19 videotaped confessions, yet some of the conspirators arranging the marriages who were waiting in the Orlando INS parking lot to make further payment to a U.S. citizen petitioner for attending the interview, were allowed to leave the INS premises without questioning, apprehension or consequence, not even taking down their license plate number. Then after intercepting three of these felony fraud sham marriage rings, Plaintiff was subjected to chastisements and reprimands. Plaintiff again expresses concern that over 200 cases in which Plaintiff had suspected or documented felony fraud and continued the cases to obtain separate in depth testimony or write fraud denials, that these cases were surreptitiously removed from her office, almost all approved, including over 50 Muslim illegal alien cases. Ziglar and Yates again failed

to respond to Plaintiff's concerns.

259.On February 15, 2002, Plaintiff learned that a felony fraud sham Muslim marriage case no NTA was issued to institute deportation/removal proceedings. This was one of many in a sham marriage ring in which Plaintiff had obtained a videotaped signed confession from a U.S. citizen petitioner and elicited intelligence information on the conspirators arranging the marriages, instigating a two year investigation into marriage fraud by Muslim illegal aliens in the Orlando area. Instead the Muslim illegal alien was allowed by DOJ-INS officials to continue living and working anywhere in the United States after committing multiple felonies.

260.Plaintiff inadvertently discovered that in an investigation instigated by a confession of fraud obtained by Plaintiff, 20 witnesses were willing to testify and 69 overt acts were identified. Although all the necessary evidence and witnesses were available, the U.S. Attorney refused to prosecute any of the conspirators in this felony fraud sham Muslim marriage ring.

261.Plaintiff's diligent enforcement work obtaining a signed videotaped confession and eliciting intelligence information on conspirators arranging felony fraud Muslim sham marriages was never acknowledged or rewarded.

262.On February 15, 2002, Plaintiff discovered that in a Brazilian national felony fraud sham marriage case, the alien's appeal had just been remanded back to DOJ-INS by the Board of Immigration Appeals (BIA). This was a case in which in which Plaintiff had obtained conflicting answers and discrepancies in separate in depth testimony and had written a fraud denial.

263.Previously, without Plaintiff's knowledge or input, Dugas had removed the case from Plaintiff and destroyed plaintiff's official case notes and written denial by lining out and crossing

through the pages. Dugas then gave the case to another officer who wrote a shorter denial without using any of Plaintiff's official case notes or prepared written denial containing conflicting testimony and discrepancies. The BIA remanded the appeal back to DOJ-INS for failure to include the conflicting testimony in the written denial.

264.On February 27, 2002, Plaintiff made a request to Michael Pittman to return DAO Maldonado's own cases to her for her to complete her own work, and that DAO Larson's cases, which were also assigned to Plaintiff to complete, be divided up between Plaintiff and Maldonado. DAO Maldonado had since returned from maternity leave to few cases and little work, and in retaliation and reprisal, Pittman intentionally overloaded Plaintiff with her own cases and over 100 cases from three other officers. Pittman denied Plaintiff's request. In retaliation and reprisal, Plaintiff's repeated requests to be scheduled time on duty and the necessary required overtime to complete work on some 100 cases for three other officers have been denied. Pittman refuses to return Maldonado's cases to her to complete her own work even though she has few cases and little work since her return while Plaintiff has been intentionally overloaded with her own cases, Larson's, Maldonado's and Chandler's cases.

265.During this same week, in a disparate manner, Pittman scheduled Plaintiff to conduct four straight days of interviews, while DAO Maldonado was scheduled only three days with an extra day available for review of pending cases. Although Maldonado returned from maternity leave with few cases and little work, and Plaintiff has been intentionally overloaded with Maldonado's cases to complete her work for her, Plaintiff is assigned more cases and less review time, while Maldonado is given less cases and more review time.

266.During the week of March 25, 2002, Pittman again, in a disparate manner, scheduled

Maldonado less interviews and more review time for the week of April 29, 2002, while scheduling Plaintiff more interviews and less review time than Maldonado while being required to also complete Maldonado's work for her.

267.On February 28, 2002, an Orlando attorney inquired on the status of his client's case. DAO Owens had interviewed his client in December of 1998. Over three years later there had been no decision. Owens has not been subjected to any adverse personnel action for having an enormous pending backlog and old cases. In an extreme disparate manner, INS officials used Plaintiff's pending backlog, old cases and the unrealistic deadlines she was given, to justify issuing retaliatory adverse personnel actions of a PIP, Unacceptable Performance Appraisal Ratings and 30 Days Suspension Without Pay.

268.In March of 2002, Pittman chastised Plaintiff for having cases not closed out in the Claims 4 (C4) computer system. Unlike most all other offices in DOJ-INS, in Orlando Jarina refuses to allow DAOs to use any of the C4 denial templates, which is the most prudent use of officer manpower and providing expeditious customer service, the very reason the denial templates were created and authorized by DOJ-INS Central Office. Instead, Jarina requires DAOs to create every denial from scratch. However C4 automatically prints out a denial, whether used or not.

269.Attempting to conserve ink, paper and government resources, Plaintiff closed out a quantity of cases changing the print option in C4 to no printing. However, unknown to Plaintiff, the C4 system will not close out the case if it does not print out a denial. For three years Jarina has required Orlando officers to printout denials which are two to three pages in length, sometimes printing two copies of each, using ink and paper, for an estimated 10,000 plus sheets

of printed paper only to be thrown in the trash, a gross waste of government resources.

270.On or about March 25, 2002, Plaintiff discovered in a Honduran illegal alien case two outstanding INS Warrants of Deportation. Plaintiff had taken an interview in this case on May 14, 1998, and continued to obtain separate in depth testimony in a suspected felony fraud sham marriage.

271.Plaintiff discovered that twelve years earlier this Honduran illegal alien had entered the U.S. illegally and been apprehended by the border patrol, detained and then ordered deported and physically placed on a plane to Honduras. Within six months this illegal alien committed a felony by returning illegally to the U.S. and was apprehended by the border patrol, who created a second case file, unaware of the previous deportation and felony reentry within five years. The immigration judge apparently was not informed of the felony entry and previous deportation six months earlier. The Honduran illegal alien was ordered deported and physically placed on a plane for Honduras.

272.Approximately one year later this Honduran illegal alien re-entered the U.S. committing a second felony of reentry within five years of being deported. The border patrol apprehended him and created a third case file, apparently unaware of the two previous deportations and felony entry. This illegal alien was never presented for prosecution for two felony re-entries. This illegal alien, who had been deported twice in the previous two years, was released on his own recognizance and then failed to appear for the deportation hearing.

273.The Honduran illegal alien continued to live illegally in the U.S. for the next eleven years during which time he was arrested for aggravated battery, convicted for battery and suspected of engaging in a fraudulent sham marriage.

274.Plaintiff terminated the adjustment interview and immediately brought the two outstanding INS Warrants of Deportation, the recent conviction for battery and the suspected felony fraud sham marriage filed under section 245i of the Act, to the attention of the Orlando deportation supervisor who directed Plaintiff to let him walk out and they would catch up with him later.

275. Before Plaintiff requested deportation to respond to the two outstanding INS Warrants of Deportation, Plaintiff intended to continue the case to obtain separate in depth testimony for a suspected 245i fraudulent sham marriage. The case file was then removed from Plaintiff by INS officials and given to investigations. After investigations returned the case to adjustments, Dugas did not return the case to Plaintiff to pursue the suspected felony fraud sham marriage but instead it has been kept on a shelf in the file room.

276.Four years later the Honduran illegal alien's application has never been denied allowing him to continue living and working anywhere in the United States. Four years later DOJ-INS investigations and deportation have never "caught up with him".

277.On or about March 25, 2002, Plaintiff discovered that an illegal Muslim case in which Plaintiff had obtained conflicting answers and discrepancies in separate sworn testimony on January 15, 1998, that the case was surreptitiously removed from her office without her knowledge or input before Plaintiff could write a felony fraud denial, and that this case, four years later is still pending, never denied. Plaintiff's diligent enforcement has never been acknowledged or rewarded. Plaintiff's enforcement work has been discarded and DOJ-INS officials have allowed this Muslim illegal alien, who has committed felony perjury, given false misleading testimony, submitted fraudulent documents and engaged in a felony fraud sham

marriage, to continue living anywhere in the United States with continue authorized employment while his fraudulent application has been pending for the past four years.

278.Plaintiff also discovered another Muslim case in which the Muslim had divorced the American petitioner and had filed a petition to remove conditions of residence, form I-751, based on a bona fide marriage. The Muslim claims he separated from the American just four months after he was approved for a two-year conditional residence. He divorced the American petitioner just five months after the DOJ-INS interview, about the same time he received his green card in the mail. Before Plaintiff had the opportunity to pursue this suspect felony fraud sham marriage, the case was surreptitiously removed from her office, without Plaintiff's knowledge or input, and approved for lawful permanent residence without any further in depth testimony. DOJ-INS officials have provided this Muslim illegal alien, who has committed several felonies, the opportunity of now obtaining the privilege of United States citizenship.

279.Plaintiff then discovered the case file of Nigerian case was surreptitiously removed from Plaintiff's office, without her knowledge or input, and approved for permanent residence. On April 12, 1999, Plaintiff had obtained a videotaped signed confession that the marriage was entered into for immigration benefits, that the case Plaintiff's diligent enforcement performance was never acknowledged or rewarded. Instead, DOJ-INS officials have rewarded the Nigerian illegal alien with permanent residence and provided him the opportunity of obtaining the privilege of United States citizenship. This illegal alien is a known felon.

280.Plaintiff then discovered a Guatemalan case in which the alien, after illegal entry to the United States, was found in possession of a counterfeit resident alien card. In a section 245i interview, Plaintiff had obtained conflicting testimony and discrepancies from the alien. Before

Plaintiff could obtain further separate in depth testimony the case file was surreptitiously removed from Plaintiff's office, without her knowledge or input, her work discarded, her official case notes documenting a felony fraud sham marriage illegally removed from the case file, and the sham marriage approved.

281.Two years later this exact same scenario happened on the form I-751. Before Plaintiff had an opportunity to obtain separate in depth testimony, the case again, was surreptitiously removed from Plaintiff's office, without her knowledge or input, and approved. DOJ-INS officials have rewarded this illegal Guatemalan, who committed several felonies, with permanent residence and has provided this illegal Guatemalan the opportunity of obtaining the privilege of United States citizenship.

282.Plaintiff also discovered another illegal Muslim case in which the Muslim married three Americans attempting to get a green card, the third marriage took place immediately after being placed into deportation/removal proceedings. Plaintiff's diligent enforcement performance was never acknowledged or rewarded. Plaintiff's enforcement work in documenting three felony fraud sham marriages, and writing two extensively detailed, lengthy Notice of Intent to Deny and a final Denial, which were issued by certified mail, were suddenly discarded when the Muslim appealed.

283.In June of 1998, Stella Jarina suddenly ordered investigations to conduct "bed check" of the illegal Muslin. This was after a clerk spent almost four hours photo copying the Record of Proceeding (ROP), and instead of forwarding the alien's appeal of the final fraud denial and the ROP to the Board of Immigration Appeal, Jarina ordered the bed check, The Muslim was sitting in the living room with pictures of himself at the very moment the investigator knocked on the

door. After two written fraud denials had been issued, in direct violation of congressional statute, Orlando INS suddenly approved the Muslim's felony fraud sham marriage, even though 204c of the Act applied. This was all done surreptitiously, behind Plaintiff's back.

284.After committing multiple felonies of fraud, perjury, false testimony, submission of fraudulent documents with three DOJ-INS applications and engaging in three felony fraud sham marriages, this illegal Muslim was rewarded by DOJ-INS officials with permanent residence. DOJ-INS officials have provided this illegal Muslim the opportunity of now obtaining the privilege of United States citizenship.

285.Plaintiff discovered another illegal Muslim marriage case in which she had obtained conflicting answers and discrepancies in separate in depth testimony. Plaintiff prepared a felony fraud denial in October 1997. After four years Dugas and Jarina never signed off on the denial or returned to Plaintiff to mail out and issue. Discarding and dismissing Plaintiff's diligent documented enforcement performance in this case, DOJ-INS officials have allowed this illegal Muslim to continue living anywhere in the United States with continuing employment authorization after having committed multiple felonies of perjury, submission of fraudulent documents, false misleading testimony and engaging in a felony fraud sham marriage.

286.Plaintiff discovered in another illegal Muslim marriage case, in which she obtained conflicting answers and discrepancies in separate in depth testimony and continued the case to write a felony fraud denial, that the case was surreptitiously removed from Plaintiff's office, Plaintiff's official case notes documenting the illegal Muslim's felony fraud sham marriage were removed from the case file, as well as all evidence of the interview Plaintiff conducted, together with removal of forms I-130 and I-485. The empty file jacket was then reassigned to another

alien and the Muslim was allowed to file a new I-130 and I-485 under a new case file number which was then reassigned to another officer.

287.Plaintiff discovered another case in which, on March 19, 1998, she had obtained a videotaped signed confession of fraud in which the U.S. citizen petitioner admitted he had been paid $2,000.00 to marry a Jamaican illegal alien. The case was surreptitiously removed from Plaintiff's office, without her knowledge or input. Plaintiff's diligent enforcement performance in this case was never acknowledged or rewarded. Four years later the illegal alien's application to adjust status to permanent resident has never been denied. DOJ-INS officials have allowed this illegal alien to continue living and working, anywhere in the United States after Plaintiff documented a felony fraud sham marriage.

288.On March 25, 2002, Plaintiff discovered a Muslim case she had interviewed on July 22 and October 29, 1997, in which she obtained conflicting answers and discrepancies at both interviews in separate in depth testimonies. Plaintiff had written a fraud Notice of Intent to Deny. Dugas refused to sign the Notice of Intent to Deny based on a fraudulent sham marriage.

289.At the October 29, 1997 interview, after a U.S. citizen petitioner was confronted with false testimony and a multitude of conflicting answers, she then screamed and swore profanity at the Plaintiff during the second interview and walked out on the interview. The Muslim filed a fabricated complaint against Plaintiff in an attempt to distract from their false testimonies and assure approval, demanding yet a third interview.

290.Although a videotape existed of the interview, and Plaintiff apprised Dugas that the petitioner had been verbally abusive screaming profanity at the Plaintiff, Dugas ordered Plaintiff to conduct a third interview in which Dugas informed Plaintiff she would stand over her and

watch the interview. Only after Plaintiff complained to the District office did Dugas sign off on the Notice of Intent to Deny, which was mailed certified on April 23, 1998.

291.Plaintiff's diligent enforcement performance on this case was never acknowledged or rewarded. Before Plaintiff had an opportunity to write a final fraud denial the case was removed from Plaintiff and kept with Dugas for the next three years.

292.Four and a half years after Plaintiff documented a felony fraud sham marriage, felony perjury, false misleading testimony, the relative petition and the Muslim's application to adjust to lawful permanent resident has never been denied. For four and a half years DOJ-INS officials have allowed the Muslim alien to continue living and working, anywhere in the United States while the application is pending, after Plaintiff documented a felony fraud sham marriage.

293.On March 25, 2002, Plaintiff discovered a Muslim case she had interviewed in September and December of 1997, in which Plaintiff had documented numerous discrepancies in sworn testimony on three of the Muslim's four marriages to American women in his attempt to fraudulently obtain a green card. Before Plaintiff could pursue subpoenas to question the Muslim's three prior U.S. citizen spouses, his case was surreptitiously removed from Plaintiff's office, without her knowledge or input, and has been kept with Dugas.

294.For the past four and a half years, there has been no 204c INA fraud denial based on the three previous fraudulent marriages, or issuance of an NTA placing this illegal Muslim into deportation/removal proceedings for engaging in fraudulent marriages to obtain the immigration benefit of lawful permanent residence.

295.For the past four and a half years, Plaintiff's enforcement work on this case has been ignored and discarded. DOJ-INS officials have allowed the Muslim illegal alien to continue

living and working, anywhere in the United States while the application is pending, after Plaintiff documented discrepancies in three of his four felony fraud sham marriages.

296.On March 25, 2002, Plaintiff e-mailed Ziglar and Yates apprising them of gross malfeasance and dereliction of duty and violation of congressional statute by Orlando INS officials, involving yet another Felony Fraud Sham Muslim marriage. Section 204(c) of the Immigration and Nationality Act (the Act), and also 8 C.F.R. § 204, prohibits the approval of any further petitions, after an alien has conspired to enter into a marriage for the purpose of evading the immigration laws.

297.On January 11, 1999, Plaintiff obtained a videotaped signed confession of fraud from the U.S. citizen petitioner who admitted that the illegal Muslim had paid him $4,000.00 to marry for a green card. The U.S. citizen petitioner withdrew his participation in the joint filing of the petition to remove conditions of residence, form I-751. Before Plaintiff had an opportunity to assure that the I-751 was denied and an Notice to Appear was issued to institute deportation/ removal proceedings, the case file was surreptitiously removed from Plaintiff's office without her knowledge or input.

298.The illegal Muslim then divorced the U.S. citizen petitioner and was then allowed to file a second petition to remove conditions of residence, form I-751, requesting a waiver of the joint filing based on a bona fide marriage.

299.Plaintiff's diligent enforcement performance in this case was never acknowledged or rewarded. Although the U.S. citizen petitioner's signed confession of fraud admitting he was paid $4,000.00 by the illegal Muslim was laying directly on top of the first form I-751 in the case file, Plaintiff's work on this case was discarded and dismissed.

300.After this illegal Muslim had engaged in a felony fraud sham marriage to obtain the immigration benefit of lawful permanent residence, after this alien had bribed an American to marry her, after this alien had committed felony fraud, perjury, false misleading testimony and submitted fraudulent documents in filing two INS forms, in direct violation of congressional statute, Orlando INS officials rewarded this illegal Muslim with permanent resident status in direct violation of section 204c of the Act and 8 C.F.R. § 204, and illegally approved the second petition on November 2, 2000, based on a "bona fide marriage". This was after the American had confessed on videotaped he had been paid $4,000.00 to engage in a fraudulent sham marriage to obtain immigration benefits for the alien.

301.Plaintiff also apprised Ziglar and Yates via e-mail that she had discovered that same day yet another case in which Plaintiff had obtained a videotaped, signed confession of fraud from the U.S. citizen petitioner admitting that the marriage was entered into as a favor to her daughter who had been living with the illegal alien for the past four years. The U.S. citizen petitioner withdrew the relative petition filed on behalf of the illegal Mexican and the alien's application for permanent residence was denied. The U.S. citizen petitioner and illegal alien divorced.

302.Before Plaintiff had an opportunity to assure that an Notice to Appear was issued to institute deportation/removal proceedings, the case file was surreptitiously removed from Plaintiff's office, without her knowledge or input, and the illegal Mexican was allowed to file a second application for permanent residence based on a second marriage to the first petitioner's daughter.

303.Plaintiff's diligent enforcement performance in this case was never acknowledged or rewarded. Although the U.S. citizen petitioner's signed confession of fraud admitting this

marriage was entered into as a favor for her daughter, and the confession and withdrawal of the relative petition was laying directly on top of the first relative petition, Plaintiff's work in this case was discarded and dismissed.

304.The second relative petition was illegally approved by another officer in direct violation of congressional statute. After a Mexican illegal alien had committed multiple felonies of fraud, perjury, false testimony and submitted fraudulent documents in filing two INS forms, Orlando INS officials rewarded him with permanent resident status in direct violation of section 204c of the Act and 8 C.F.R. § 204, and illegally approved a second petition. DOJ-INS officials have provided this illegal Muslim the opportunity of now obtaining the privilege of United States citizenship. Ziglar and Yates failed to respond to Plaintiff's concerns.

305.On March 26, 2002, Plaintiff e-mailed Ziglar and Yates apprising them of gross malfeasance and dereliction of duty involving yet another Felony Fraud Sham Muslim Marriage Ring. On May 15, 1998, Plaintiff had obtained a videotaped signed confession from the U.S. citizen petitioner that he had been paid between $3,000 and $3,500 to marry this illegal Muslim, and that this Muslim had told him she was arranging eleven other sham Muslim marriages and wanted him to get his drug addict buddies to marry these other Muslims. The U.S. citizen petitioner also informed Plaintiff that one of his friends had also been bribed to marry a Muslim but got scared and didn't go to the INS office for the interview. The petitioner withdrew the relative petition filed on behalf of the Muslim and Plaintiff hand-delivered a denial to the Muslim applicant.

306.Plaintiff was told investigations was too busy so the conspirators were allowed to walk out without apprehension. After Plaintiff had obtained a videotaped signed confession, after the

illegal Muslim had bribed an American, after the illegal Muslim had committed felony perjury, false testimony and submitted fraudulent documents, after this illegal Muslim had falsified material evidence on her INS forms, after it was discovered this illegal Muslim was a conspirator in arranging or attempting to arrange twelve felony fraud sham marriages, Plaintiff's Orlando supervisors sent the file to the National Records Center as a dead case.

307.The case file contains no evidence, no memorandum, no notes, and no documentation that investigations ever followed up on the sham Muslim marriage ring. No action was taken by Orlando supervisors to place this illegal Muslim conspiring to arrange eleven other felony fraud sham Muslim marriages into deportation/removal proceedings. Plaintiff's diligent enforcement performance was never acknowledged or rewarded, her work on this case was discarded. For the past four years, since May of 1998, this illegal Muslim has been allowed by DOJ-INS officials to continue living anywhere in the United States after committing multiple felonies. Ziglar and Yates failed to respond to Plaintiff's concerns.

308.Plaintiff alleges to have been subjected to a discriminatory and hostile work environment by her employer DOJ-INS, and a continuing pattern of harassment as evidenced by the foregoing allegations.

309.These actions against Plaintiff were initiated by DOJ-INS management officials, who instructed, directed, aided, abetted advised, and conspired to continue this harassment as a means of discriminating and retaliating against Plaintiff in an attempt to force her to leave her position as an examiner.

310.Attorney General Ashcroft, and Janet Reno before him, and Commissioner Ziglar, along with the other Commissioners before him, failed to prevent this unlawful employment practice

and harassment and to preclude others from doing so when it was brought to their agents attention after Plaintiff filed the several complaints with the Agency's EEO office.

311.As a direct consequence of the actions and inactions of the Attorney General(s) and Commissioner(s), along with their agents and management employees, Plaintiff has been subjected to severe and pervasive harassment causing her injuries. By their actions and/or inactions DOJ-INS management officials authorized, condoned, ignored and otherwise ratified the unlawful conduct. The Attorney Generals and Commissioners, along with the DOJ-INS management officials, have allowed the hostile work environment created by management to continue, notwithstanding several EEO complaints detailing these matters.

312.The aforementioned acts of DOJ-INS management officials constitute unlawful discrimination against Plaintiff because of her gender, a bona fide disability and in retaliation for her involvement in protected EEO activity.

313.The aforementioned acts and omissions of the Attorney General(s), the Commissioners, and other DOJ-INS management officials, constitute unlawful discrimination against Plaintiff because of her gender and disability. They also constitute unlawful retaliation for Plaintiff's involvement in protected EEO activity. Furthermore, they amount to a hostile and abusive work environment. The herein described activities of the Attorney General(s), the Commissioners, and other DOJ-INS management officials, constitute a continuing series of related discriminatory acts and a systematic policy, pattern and practice of discrimination by Defendants targeting the Plaintiff because of her gender, disability and involvement in protected activity, commencing from the harassment in 1991 and continuing to the present as herein above described. Said individual acts by the employees, managers and supervisors of the Defendants

are related and represent a series of continuing efforts targeting Plaintiff, which were designed to and did deprive Plaintiff of her rights, terms and conditions of his employment.

314.As a result, Plaintiff has suffered grievous harm including, but not limited to, lost wages, substantial impairment of career development and professional status, loss of recognition, humiliation, pain and suffering, loss of reputation, and mental anguish.

315.As of the date of filing this action, and in the past ten years since filing an EEO complaint with DOJ-INS in February of 1991, and the filing of subsequent EEO complaints and the numerous subsequent reprisal complaints, Plaintiff has been dissuaded and denied opportunities for career advancement and increased salaried income when eight (8) times since February of 1991, the reprising officials deliberately failed to issue Plaintiff the mandatory Annual Performance Appraisal Ratings of Record, the mandatory semi annual Progress Review Ratings of Record and the mandatory Performance Work Plans when issuing these mandatory personnel actions in a timely manner to all other INS employees in Orlando.

PRAYER FOR RELIEF

316.Plaintiff alleges and reaffirms the allegations contained in paragraphs 1-185 as if fully alleged herein.

317.WHEREFORE, Plaintiff respectfully requests this court:

a. To enter judgment in favor of Plaintiff and against Defendants, John Ashcroft, Attorney General, U.S. Department of Justice, and James W. Ziglar, Commissioner, U.S. Immigration & Naturalization Service, finding the actions and/or inactions of Defendants complained of herein as violations of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et. seq.

b. To enter judgment in favor of Plaintiff and against Defendants, John Ashcroft, Attorney General, U.S. Department of Justice, and James W. Ziglar, Commissioner, U.S. Immigration & Naturalization Service, finding the actions and/or inactions of Defendants complained of herein as violations of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

c. To enter judgment in favor of Plaintiff and against Defendants, John Ashcroft, Attorney General, U.S. Department of Justice, and James W. Ziglar, Commissioner, U.S. Immigration & Naturalization Service, finding the actions and/or inactions of Defendants complained of herein as violations of the Americans With Disabilities Act, 42 U.S.C. § 12101 et. seq.

d. To enter judgment in favor of Plaintiff and against Defendants, John Ashcroft, Attorney General, U.S. Department of Justice, and James W. Ziglar, Commissioner, U.S. Immigration & Naturalization Service, for damages and other appropriate legal and equitable relief as sought pursuant to 42 U.S.C. § 2000e et. seq.

e. To enter judgment in favor of Plaintiff and against, Defendants, John Ashcroft, Attorney General, U.S. Department of Justice, and James W. Ziglar, Commissioner, U.S. Immigration & Naturalization Service, for compensatory damages and other appropriate legal and equitable relief as sought pursuant to 42 U.S.C. § 1981a.

f. To enter judgment in favor of Plaintiff and against Defendants, John Ashcroft, Attorney General, U.S. Department of Justice, and James W. Ziglar, Commissioner, U.S. Immigration & Naturalization Service, for damages and other appropriate legal and equitable relief as sought pursuant to 42 U.S.C. § 12101 et. seq.

g. To issue an injunction against Defendants, John Ashcroft, Attorney General, U.S. Department of Justice, and James W. Ziglar, Commissioner, U.S. Immigration & Naturalization Service, directing the assignment, promotion, and treatment of Plaintiff on an equal basis with all employees, particularly with respect to promotional opportunities in a work environment free from harassment.

h. To issue an injunction against Defendants, John Ashcroft, Attorney General, U.S. Department of Justice, and James W. Ziglar, Commissioner, U.S. Immigration & Naturalization Service directing the DOJ-INS, and its employees, to cease and desist with any and all retaliatory conduct in the future against Plaintiff.

i. To enter judgment in favor of Plaintiff against Defendants, John Ashcroft, Attorney General, U.S. Department of Justice, and James W. Ziglar, Commissioner, U.S. Immigration & Naturalization Service, for compensatory damages based upon Plaintiff's emotional pain, suffering, inconvenience, mental anguish, and loss of enjoyment of life in an amount to be determined at trial of this matter, such compensatory damages as lost wages for future earnings, emotional distress, medical bills, rehabilitation, humiliation, loss of reputation, and mental anguish.

j. To enter judgment in favor of Plaintiff and against Defendants, for all attorney's fees, expenses and costs incurred herein pursuant to 42 U.S.C. § 2000e-5(k) and Fed.R.Civ.P. 54.

k. To grant all other such relief as the law and justice may require and as may be appropriate.

JURY TRIAL DEMANDED

Pursuant to 42 U.S.C. § 1981a(c) and Fed.R.Civ.P. 38, Plaintiff demands trial by jury on all claims as counts so triable by right.

Respectfully submitted,

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By: _____
Donald Appignani
Florida Bar No. 115071

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by U.S. Mail on this 1st day of April, 2001, to Lawrence Rosen, Assistant U.S. Attorney, 99 N.E. 4th Street, Suite 300, Miami, Florida 33131.

_____
Donald Appignani, Esq.