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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ARTHURETTA HOLMES-MARTIN,
[redacted] Raintree Road
Burke, Virginia [redacted],

Plaintiff,

v.

MICHAEL O. LEAVITT,
Secretary of Health &Human Services
200 Independence Ave, S.W.
Washington, D.C. 20201,

Defendant.

Civil Action No. _____

COMPLAINT
(Employment Discrimination)

Introduction

1. Plaintiff, Arthuretta Holmes-Martin, brings this action pursuant to Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e *et seq.,* and 42 U.S.C. § 1981a, and the Civil Service Reform Act, 5 U.S.C. § 7703(b)(2), to remedy acts of employment discrimination and retaliation perpetrated against her by the United States Department of Health and Human Services. Plaintiff contends that management at that Department discriminated against her because of her race (African-American) and then retaliated against her for having complained about such race-based discrimination by creating a hostile working environment for her, by reassigning to others her meaningful job responsibilities, by causing her to suffer a major depression and a generalized anxiety disorder then punishing her for using medical leave to obtain treatment for these maladies, and

finally, by terminating her employment and removing her from the federal service when the discrimination/retaliation caused incapacity.

Jurisdiction

2. This Court has jurisdiction over the subject matter of this civil action pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-16(c). Plaintiff filed her formal administrative complaints of employment discrimination and retaliation with the office that is designated to handle EEO complaints at the United States Department of Health and Human Services' EEO office over 180 days before filing this civil action, but has not received a final agency decision from that office on any of her EEO complaints; and plaintiff has filed an appeal of her termination from employment and removal from the federal service with the United States Merit Systems Protection Board more than 120 days before filing this civil action, but has not received a judicially reviewable action (see 5 U.S.C. § 7702 (e)(1)(A)).

Venue

3. Venue is proper in this judicial district under 42 U.S.C. Section 2000e-5(f)(3) and 5 U.S.C. § 7703(b)(2), as plaintiff was employed by the United States Department of Health and Human Services in the District of Columbia at the time of her termination, records pertaining to plaintiff's employment are maintained by the United States Department of Health and Human Services in this judicial district, and decisions adverse to plaintiff's employment that are the subject of this civil action were made in this judicial district.

Parties

4. Plaintiff is a female African-American citizen of the United States and of the Commonwealth of Virginia. Plaintiff was employed by the United States Department of Health and

Human Services as the Deputy Director of the Office of Small and Disadvantaged Business Utilization until June 2007.

5. Defendant Michael O. Leavitt is currently the Secretary of Health and Human Services of the United States and, as such, heads the United States Department of Health and Human Services (DHHS), a department within the Executive Branch of the government of the United States that has employed more than 500 persons in each of the last 20 weeks. Mr. Leavitt is being sued here in his official capacity only.

Statement of Facts

6. Plaintiff Arthuretta Holmes-Martin was a career federal employee with over twenty years of service with DHHS.

7. At the time of her termination from federal service, she was a GS-1102-14 Procurement Analyst and was the Deputy Director of the Office of Small and Disadvantaged Business Utilization at DHHS, working in the Washington, D.C. offices of DHHS.

8. Ms. Holmes-Martin was supervised by Debbie Ridgely, a white female who was the Director of the Office of Small and Disadvantaged Business Utilization.

9. Ms. Ridgely engaged in acts of discrimination and retaliation against Ms. Holmes-Martin and created a hostile working environment starting in 2003-2004.

10. During this time period, Ms. Ridgely began treating Ms. Holmes-Martin with extreme hostility, isolating her from her colleagues, assigning work central to her position as the Deputy Director of the Office of Small and Disadvantaged Business Utilization to others, and subjecting her to public ridicule. Ms. Ridgely did not subject the white employees who reported to her to such treatment.

11. Ms. Ridgely even hired a white male assistant to take over Ms. Holmes-Martin's principle job responsibilities, thereby significantly diminishing her substantive job responsibilities. Ms. Ridgely did not subject the white employees who reported to her to such treatment.

12. As a result of this treatment, Ms. Holmes-Martin filed multiple EEO complaints. She first complained in 2004, and requested that she be placed under a different supervisor. However, management at DHHS failed to tranfer her to another supervisor and merely interviewed Ms. Holmes-Martin and Ms. Ridgely. After Ms. Holmes-Martin filed her initial EEO complaint, Ms. Ridgely's treatment of her became even more hostile and hurtful, yet DHHS management did nothing to place Ms. Holmes-Martin under a new supervisor or to otherwise end Ms. Ridgely's discriminatory/retaliatory actions.

13. By 2006, Ms. Ridgely's discriminatory/retaliatory treatment had caused Ms. Holmes-Martin to suffer from insomnia and depression. Ms. Holmes-Martin's mental and physical health continued to deteriorate until June 2006, when her doctor recommended that she take a leave of absence from work because the hostile work environment was causing her to suffer from both Major Depression and Generalized Anxiety Disorder.

14. In January 2007, Ms. Ridgely proposed that Ms. Holmes-Martin's employment with DHHS be terminated and that she be removed from the federal service, because of her "medical inability" to perform her job, although it was Ms. Ridgely's race-based and/or retaliation-based harassment that had caused Ms. Holmes-Martin to become medically disabled from performing her job duties in the first place., and in spite of the fact that DHHS may have been able to prevent this situation if it had timely responded to Ms. Holmes-Martin's EEO complaints.

15. In June 2007, the DHHS management, agreed to Ms. Ridgely's proposal and terminated Ms. Holmes-Martin's employment with DHHS and removed her from the federal service,

despite the fact that DHHS management's inaction on Ms. Holmes-Martin's EEO complaints and her request to be transferred to another supervisor had permitted Ms. Ridgely's discriminatory/retaliatory treatment of Ms. Martin to continue and to cause her to suffer the mental incapacities that adversely affected her ability to perform her job duties and responsibilities.

Statement of Claims

Claim I – Race Discrimination

16. As previously stated herein above, defendant, through his subordinate managers at DHHS, has discriminated against plaintiff on the basis of her race.

17. As a consequence of such race-based discrimination, plaintiff has suffered and continues to suffer economic losses in the form of lost earnings and reduced retirement benefits and incurred legal expenses, as well as permanent career damage, extreme personal and professional humiliation, pain, suffering, mental anguish, emotional distress, insomnia, Generalized Anxiety Disorder, and Major Depression.

Claim II – Retaliation

18. As previously stated herein above, defendant, through his subordinate managers at DHHS, has retaliated against plaintiff for her having brought and maintained claims of race discrimination (and retaliation).

19. As a consequence of such unlawful retaliation for prior protected civil rights activities, plaintiff has suffered and continues to suffer economic losses in the form of lost earnings and reduced retirement benefits and incurred legal expenses, as well as permanent career damage, extreme personal and professional humiliation, pain, suffering, mental anguish, emotional distress, insomnia, Generalized Anxiety Disorder, and Major Depression.

Prayer for Relief

20. Plaintiff requests that the court enter an order declaring that:

(a) defendant discriminated and retaliated against plaintiff by creating for her a hostile working environment and reassigning her meaningful job responsibilities to others, which caused her to suffer a mental breakdown, and then by punishing her for using medical leave to obtain treatment for such condition;

(b) she was terminated from her GS-14 position with the DHHS based upon her race and in retaliation for engaging in prior protected activity;

(c) as a result of defendant's repeated intentional acts of discrimination and retaliation, plaintiff has experienced and will continue to experience in the future, economic losses in the form of lost earnings and reduced retirement benefits and incurred legal expenses, as well as permanent career damage, extreme personal and professional humiliation, pain, suffering, mental anguish, emotional distress, insomnia, Generalized Anxiety Disorder, and Major Depression;

(d) defendant be ordered to refrain from any future acts of discrimination and/or retaliation against plaintiff;

(e) defendant be ordered to correct its records, including plaintiff's Official Personnel File (OPF), so as to purge any negative information about plaintiff;

(f) defendant be ordered to pay to plaintiff the sum of $300,000.00 in compensatory damages suffered as a result of the discrimination, plus interest thereon, *and* $300,000.00 in compensatory damages suffered as a result of the retaliation perpetrated on her by DHHS management, plus interest thereon;

(g) defendant be ordered to provide plaintiff with back pay, including the value of any related benefits of employment such as earned leave and all pay increases, for the period from June

2006, when she went on leave without pay, through June 2007, when she was terminated from her employment at DHHS and removed from the federal service, with interest thereon;

(h) defendant be ordered to provide plaintiff with front pay at the GS-14 pay level (including pay increases) until she reaches the age of 62 years when she would have retired from federal service but for DHHS management's discriminatory/retaliatory treatment of her;

(i) defendant be ordered to pay plaintiff the costs of bringing and maintaining this civil action and the administrative charges that preceded it, including reasonable attorneys' fees, pursuant to 42 U.S.C. 2000e-5(k), with interest thereon; and

(j) defendant be ordered to provide plaintiff with such other and further relief as the interests of justice may require.

Jury Demand

21. Plaintiff hereby requests a jury trial on all issues of fact, including the measure of damages.

Respectfully submitted,

David H. Shapiro
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Attorney for Plaintiff

Verification

I hereby verify that the factual allegations contained in the foregoing Complaint are true and correct to the best of my knowledge, information, belief and recollection.

11/26/07
Date

Arthuretta Holmes-Martin