



UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

LIBERTY A. FREEDMAN)
4 Change Road)
AnyCity, AnyState, 77777)

Plaintiff,)

v.)

MICHAEL C. BYSTANDER)
Secretary of Athruz)
666 Oppress Ave)
AnyCity, AnyState, XXXXX)

Defendant)

JUDAS BIASMAN)
Department Athruz)
666 Oppress Ave)
AnyCity, AnyState, XXXXX)

Defendant)

JAMES B. CROW)
Department Athruz)
666 Oppress Ave)
AnyCity, AnyState, XXXXX)

Defendant)

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Civil Action No. _____

COMPLAINT

(Race, Age, and Disability Discrimination and Retaliation in Federal Employment)

Introduction

1. Plaintiff, Liberty A. Freedman proceeding Pro Se, 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, the Civil Service Reform Act, 5 U.S.C. § 7703(b)(2), the Age Discrimination in Employment Act, 29

USC §621, et seq., and the Rehabilitation Act, 29 USC § 701 to remedy acts of employment discrimination and retaliation perpetrated against her by the United States Department of Athruz (DAZ). Plaintiff contends that DAZ officials discriminated against her by passing over her for promotion to three different GS-15 positions because of her race (African-American) and age (over 40). Plaintiff further asserts that management retaliated against her for having complained about such discrimination, created a hostile working environment for her, caused her to suffer major depression, failed to provide reasonable accommodation, punished her for using medical leave to obtain treatment for work induced maladies, and finally, terminated her Federal service employment when the discrimination / retaliation caused her 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, The Rehabilitation Act, 29 U.S.C. § 701 et seq. and the Age Discrimination in Employment Act, 29 USC§ 621, et. seq.

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 Athruz (DAZ) in the District of Columbia at the time of her termination, plaintiff's employment records are maintained by the DAZ 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, Liberty A. Freedman, an African-American female who is at least 40-years old, is a citizen of the United States and a resident of the State of Any. At all times relevant to this suit, until her termination in June 2009 she was employed with DAZ in the Office of the

Secretary's Office of Financial Management.

5. Defendant Michael O. Bystander is currently the Secretary of Athruz of the United States. Mr. Bystander is being sued here in his official capacity only.

6. Defendant Judas Biasman, the Director of the Office Financial Management; and, Defendant James B. Crow, Chief of the Audits Branch within the Office of Financial Management, are subordinates of Mr. Bystander in the Office of the Secretary.

Statement of Facts

7. Plaintiff Liberty A. Freedman, black female, was a career federal employee with over twenty-five years of service with DAZ before being terminated by the Department.

8. At the time of her termination from federal service, Ms. Freedman worked in the Audits Branch within the Office of Financial Management (OFM), Office of the Secretary in DAZ's Washington, D.C. main office. Ms. Freedman was a GS-14 Team Lead Auditor and served as the highest-ranking African-American employee in OFM.

9. Ms. Freedman's first level supervisor was James B. Crow, a white male, who was the Chief of the Audits Branch; her second level supervisor was Judas Biasman, Director of the Office of Financial Management.

10. Since being Ms. Freedman's supervisor in December 2007, Mr. Crow has treated her differently from similarly situated employees and was overheard (by Ms. Freedman and other co-workers) using racial epithets of "*buckwheat*" and "*tar baby*" when referring to Ms. Freedman.

11. In April 7, 2008, per announcement #123456, two (2) GS-15 "Audit Specialists" positions became available within the Audit Branch where Ms. Freedman worked.

12. Ms. Freedman applied for, qualified for but was not selected for either of the two advertised

GS-15 Audit Specialists positions.

13. Circa May 16, 2008, Ms. Freedman learned that two white male employees were selected for the positions and an additional position was created for a white female employee. All selectees were under 40.

14. Mr. Crow, the selecting official, hired persons who ranked lower than Plaintiff on the list of eligibles and who had no experience in DAZ's Audit programs as set forth in the job vacancy.

15. On June 20, 2008, Ms. Freedman timely filed a formal administrative complaint asserting non-selection. After Ms. Freedman filed her initial EEO complaint, Mr. Crow's treatment of Ms. Freedman became more hostile. Mr. Crow changed Ms. Freedman's office to a corridor apart from the Audit staff, failed to give Ms. Freedman a mid-year review, and took away her principle job duties, thereby significantly diminishing her substantive job responsibilities. Mr. Crow did not subject any of the other two white employees who served as Team Lead Auditors in a similar manner.

17. Circa July 25, 2008, Ms. Freedman reported Mr. Crow's discriminatory treatment towards her to Mr. Biasman (her second-level supervisor). She requested a lateral transfer away from Mr. Crow to the Budget Branch, which was under Mr. Biasman's control. Rather than address the situation, Mr. Biasman told Ms. Freedman that she "*was black and a woman*" "*that it was a time of diversity*" {referring to having DAZ's First BLACK Secretary} and that {Freedman} could look for a job elsewhere."

18. The hostile working environment continued during 2008. Mr. Crow isolated Ms. Freedman from her colleagues by not including her in staff meetings, denying her leave and training, disapproving her telework request and requiring that she sign in and out for during lunch breaks. Mr. James B. Crow also yelled at Ms. Freedman bringing her to tears in front of her peers and subjecting her to public ridicule. Mr. Crow did not subject the white employees who reported to him to such treatment.

19. On August 1, 2008 immediately following Mr. Crow's "yelling" tirade, Ms. Freedman contacted DAZ's Office of Civil Rights to file another complaint alleging, discrimination, retaliation, hostile work environment.

20. Mr. Crow's discriminatory/retaliatory treatment caused Ms. Freedman to suffer from panic attacks and depression. Circa January 7, 2009, Plaintiff Freedman's doctor recommended that she telework at least two days a week as a reasonable accommodation because the hostile work environment was causing her to suffer from both Major Depression and Generalized Anxiety Disorder.

21. Circa April 6, 2009, rather than respond to Ms. Freedman's medically requested reasonable accommodation; Mr. Crow proposed that Ms. Freedman's employment with DAZ be terminated. He recommended that she be removed from the federal service because of her "*failure to maintain a regular work schedule*" and a "*medical inability to perform her job.*"

22. Although it was Mr. Crow's race-based and/or retaliation-based harassment that caused Ms. Freedman to become medically disabled from performing her job duties and DAZ's inaction to accommodate her subsequent disability, in June 2009 Mr. Biasman agreed to Mr. Crow's proposal and terminated Ms. Freedman from the federal service.

Count One

(Racial Discrimination in Violation of Title VII of the Civil Rights Act of 1964, 42 USC 2000e. et seq.)

23. The foregoing paragraphs are realleged and incorporated by reference herein.

24. The Defendant's conduct as alleged at length herein constitutes discrimination based on race in violation of Title VII. The stated reasons for the Defendant's conduct were not the true reasons, but instead were pretext to hide the Defendant's discriminatory animus.

Count Two

(Age Discrimination in Violation of the Age

Discrimination in Employment Act (ADEA) 29 USC 621)

25. The foregoing paragraphs are realleged and incorporated by reference herein.

26. The Defendant's conduct as alleged above constitutes discrimination based on Age discrimination in violation of ADEA. The stated reasons for the Defendant's conduct were not the true reasons, but instead were pretext to hide the Defendant's discriminatory animus.

Count Three

(Reprisal for Engaging in Protected Activities)

27. The foregoing paragraphs are realleged and incorporated by reference herein.

28. The Defendant's conduct as alleged above constitutes retaliation against the Plaintiff because she engaged in activities protected by Title VII and the ADEA. The stated reasons for the Defendant's conduct were not the true reasons, but instead were pretext to hide the Defendant's retaliatory animus.

Count Four

(Violation of the Rehabilitation Act of 1973, 29 U.S.C. § 710 et seq.)

29. Plaintiff realleges and incorporates by reference each allegation contained in each aforementioned paragraph as thoughtfully set forth herein.

30. DAZ has discriminated against Ms. Freedman by denying her reasonable accommodation for her disabilities, including occupational stress, in violation of the Rehabilitation Act of 1973, 29 U.S.C. § 701 *et seq.*, as amended.

31. DAZ has conducted itself intentionally, deliberately, willfully, and in callous disregard of the rights of Ms. Freedman.

32. By reason of DAZ's discrimination, Ms. Freedman is entitled to all legal and equitable remedies available under the Rehabilitation Act.

33. Attorney's fees should be awarded under 29 U.S.C. § 794(a) (1).

Count Five

(Hostile and Abusive Working Environment)

34. The foregoing paragraphs are realleged and incorporated by reference herein

35. The Defendant's conduct as alleged above constitutes hostile and abusive working environment in violation of Title VII, Rehab Act, and the ADEA. The stated reasons for the Defendant's conduct were not the true reasons, but instead were pretext to hide the Defendant's discriminatory animus.

Prayer for Relief

WHEREFORE, the Plaintiff requests that the court award her:

(a) A retroactive promotion to the GS-15 level, with all attendant back pay, benefits and other emoluments of employment.

(b) the sum of \$300,000.00 in compensatory damages suffered because of the discrimination and retaliation.

(c) front pay at the GS-15 pay level (including pay increases) until she reaches the age of 55 years when she would have retired from federal service but for DAZ management's discriminatory/retaliatory treatment of her;

(d) costs and reasonable attorneys' fees incurred with this lawsuit with interest thereon; and

(e) other damages and further relief as deemed just.

JURY DEMAND

The Plaintiff requests trial by jury.

Respectfully Submitted,

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AnyCity, AnyState, 77777
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C4C, Inc.