

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

VA

REBA B. RANSOM

Plaintiff

Case No. 13-621

vs.

ERIC K. SHINSEKI, Secretary of Veterans Affairs
In his official capacity
Defendant

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff Reba R. Ransom, for her cause of action against defendant Eric K. Shinseki, Secretary of Veterans Affairs, in his official capacity on behalf of the U.S. Department of Veterans Affairs ("VA"), states as follows:

Parties

1. Plaintiff is a permanent citizen and resident of the City of Olathe, County of Johnson, State of Kansas, and the United States of America. Plaintiff is a former employee of defendant VA.
2. Defendant Shinseki is sued in his official capacity of Secretary of Veterans Affairs. Defendant VA is a federal agency of the United States of America. Defendant is an "employer" as defined in Title VII of the Civil Rights Act of 1964 (Title 7), as amended, 42 USC 2000e et seq. Defendant was plaintiff's former employer.

Claims, Jurisdiction and Venue

3. Plaintiff asserts a federal law claim of retaliation under Title 7.
4. Federal subject matter jurisdiction over plaintiff's federal causes of action is conferred by 28 USC 1331 and 42 USC 2000e-5 and 2000e-16.
5. Venue is conferred upon the Court within this federal judicial district pursuant to 28 USC 1391(b). Plaintiff was employed by defendant in Kansas City, Jackson County, Missouri in the Western Division of this federal judicial district.

Dr. Jon David Davis

Count 1
Retaliation - Title 7

6. Plaintiff incorporates by reference all other numbered paragraphs of this Complaint.

7. Plaintiff was first hired by defendant VA in 1995.

8. In February 2010 plaintiff was informed that she had not been selected for a promotion position for which she had applied (Supervisory Health Systems Specialist, a GS-0671-14 position under Vacancy Announcement 10-VAOIG-028). Dr. John David Daigh was the selecting official for the position.

9. On February 19, 2010, plaintiff initiated contact with an Agency EEO Counselor to file an EEO complaint, alleging race (black/African-American) discrimination against various management officials at the VA Office of the Inspector General -- Office of Healthcare Inspections in Washington, D.C. for her non-selection. Notification of informal counseling was sent to the VA's facility director via facsimile on February 22, 2010. Appellant filed a formal EEO complaint on May 4, 2010. Maureen Regan, EEO Program Manager at the VA-OIG Washington, D.C. office, responded to the EEO complaint on behalf of the VA and Dr. Daigh. The foregoing constitutes statutorily protected EEO activity ("participation") by plaintiff.

10. During her employment plaintiff engaged in other statutorily protected EEO activity ("opposition") by opposing reasonably and in good faith what she perceived to be unlawful racially discriminatory practices by defendant that affected the terms, conditions and privileges of plaintiff's employment.

11. Effective July 7, 2011, defendant terminated (removed) plaintiff's employment for false and pretextual reasons, the true reason being in retaliation for plaintiff's statutorily protected EEO activity. Plaintiff's protected EEO activity was a motivating factor and/or a contributing factor in defendant's decision to terminate plaintiff.

WHEREFORE, plaintiff respectfully requests that this Court enter judgment on Count 1 in her favor and against defendant, and award plaintiff the relief requested in plaintiff's Prayer for Relief.

Prayer for Relief

12. Plaintiff respectfully requests that this Court enter judgment on Count 1 herein in her favor and against defendant and:

- a. declare that the acts and practices complained of in Count 1 are unlawful retaliatory employment practices in violation of Title 7;
- b. restrain and permanently enjoin defendant from continuing to engage in or commit the unlawful retaliatory employment practices as declared above;
- c. order defendant to rehire and/or reinstate plaintiff to her former position and/or to a substantially similar position with respect to salary, compensation, benefits, privileges, status and other rights and considerations, and/or award plaintiff front pay, and make plaintiff whole for all earnings she would have received but for defendant's retaliatory employment practices, including but not limited to back pay (lost wages), prejudgment interest thereon, and other lost fringe benefits, all in an amount exceeding \$300,000;
- d. order defendant to take such affirmative action and steps as are necessary to ensure that the effects of its retaliatory employment practices as declared above are eliminated and do not continue to adversely affect plaintiff's employment opportunities in the future, including but not limited to removing all documents from plaintiff's official personnel files that reflect a false and pretextual reason for its termination of plaintiff;
- e. award plaintiff compensatory damages for emotional distress in the amount of \$300,000 on Count 1;
- f. award plaintiff the costs of this action, including reasonable attorney's fees, court costs, and expert witness fees, if any;

- g. award plaintiff compensatory damages for the adverse tax consequences of a lump-sum multiple-year award for back pay in a single tax year; and
- h. award plaintiff prejudgment interest on the amount of back pay awarded;
- i. award such other relief permitted by law or equity as the Court deems necessary or appropriate.

Demand for Jury Trial

13. Plaintiff demands trial by jury of all issues of fact in all Counts herein.

Respectfully submitted

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