EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
XXXXX DISTRICT OFFICE

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| VALERIE NXXXX,  Complainant,  v.  US DEPT. OF THE ARMY,  RECUITING BATTALION,  Agency |  |  | EEOC No: XXX-2019-0YYYYX  Agency No: ARTRADOCXXJULXXXX  Date: December 5, 2020 |

**COMPLAINANT’S SUPPLEMENTAL PRELIMINARY CASE INFORMATION**

Complainant, via her representative, hereby submits this supplemental Preliminary Case Information. An earlier, incomplete version was submitted by Complainant on March 10, 2020 prior to retaining the undersigned representative. It was submitted via EEOC Public Portal.

1. **Dismissed Claims**

\_\_\_ The Agency did not dismiss any claims from this complaint.

\_\_\_ The Agency dismissed claims from this complaint, but Complainant is not requesting reconsideration.

\_√\_ The Agency dismissed claims from this complaint and Complainant requests reconsideration by the Administrative Judge.

Agency accepted the following claims:

1. ????
2. ????
3. ????

[ROI page ????]

Agency dismissed the following claims:

1. ??? – dismissed for untimely filing or failure to state a claim.
2. ??? – dismissed for untimely filing or failure to state a claim.
3. ??? – dismissed for untimely filing or failure to state a claim.

[ROI page ????]

The claim “d” must be reinstated for adjudication because it was timely filed or the claim involves adverse action for which tangible remedies can be claimed, such as lost opportunity for career advancement, loss of professional standing or reputation, etc.????

[You must argue here why your claim was timely filed or it involves adverse employment action for which tangible damage claims can be made.]

# Documents and Statements

\_\_\_ Complainant does not have any related documents, other than what is already in the ROI, to add to this case.

\_\_\_ Complainant does not have any related witness statements, other than what is already in the ROI, to add to this case.

√ Complainant wants to add a relevant document(s) to this case. *See below.*

√ Complainant wants to add a relevant witness statement(s) to this case. *See below*.

The following records in Agency’s possession and control are necessary in order to establish Complainant’s claims:

1. Copies of any and all records showing investigation into Complainant’s allegation of sexual and non sexual harassment and retaliation that ever took place, if any, prior to her resignation on October 17, 2018.
2. Copies of any and all letters of counseling or warning issued by Battalion Executive Officer Derrick D. Hunter for any attendance related issues for the past three years prior to July 13, 2018, other than ones issued to Complainant. Indicate for each sex and race and if any had prior EEO activities.
3. Copies of any and all records gathered and reviewed by Officer Hunter prior to issuing the memo to Complainant on July 13, 2018.
4. Identify any and all individuals whom Officer Hunter consulted prior to issuing the July 13, 2018 memo to Complainant. Describe in detail the discussions that took place.
5. Copies of any and all letters of counseling or warning issued by Commanding LTC, MI Justin P. Overbaugh for any attendance related issues for the past three years prior to August 9, 2018, other than ones issued to Complainant. Indicate for each sex and race and if any had prior EEO activities.
6. Copies of any and all records gathered and reviewed by LTC, MI Justin P. Overbaugh prior to issuing the memo to Complainant on August 9, 2018.
7. Identify any and all individuals whom LTC, MI Justin P. Overbaugh consulted prior to issuing the August 9, 2018memo to Complainant. Describe in detail the discussions that took place.
8. Copies of any and all letters of counseling or warning issued by Executive Officer, MAJ, LG Anthony S. Harrison for any attendance related issues for the past three years prior to October 3, 2018, other than ones issued to Complainant. Indicate for each sex and race and if any had prior EEO activities.
9. Copies of any and all records gathered and reviewed by MAJ, LG Anthony S. Harrison prior to issuing the memo to Complainant on October 3, 2018.
10. Identify any and all individuals whom MAJ, LG Anthony S. Harrison consulted prior to issuing the October 3, 2018 memo to Complainant. Describe in detail the discussions that took place.
11. Copies of any and all records showing denial of leave request by any employees under Commander LTC Overbaugh for the past 12 months prior to October 17, 2018, except for Complainant. Indicate for each sex and race and if any had prior EEO activities.
12. Copies of records showing LWOP charges leveled at any employees under Commander LTC Overbaugh for the past 12 months prior to October 17, 2018, except for Complainant. Indicate for each sex and race and if any had prior EEO activities.
13. Copies of any and all records gathered and reviewed by Nestor Neuman, Acting Executive Officer, Chief, HR Division, prior to issuing the proposed suspension for 3 days to Complainant on October 2, 2018.
14. Identify of any and all individuals with whom Nestor Neuman consulted prior to issuing the proposed suspension for 3 days to Complainant on October 2, 2018; and description of the content of discussion for each.
15. Identify any and all management officials who ever denied leave request from any employees within LTC Overbraugh’s supervision in the past 12 months prior to October 17, 2018. Identify each and every employee whose request was denied. Identify for each employee his or her race, sex, and if any had prior EEO activity.
16. Copies of any and all email or text messages showing leave request from any employees under LTC Overbraugh’s supervision for the past 12 months prior to October 17, 2018.
17. Copies of records showing any and all approval of leave requests made on the same day the leave was taken by any employees under LTC Overbraugh’s supervision for the past 12 months prior to October 17, 2018.

The following witnesses are necessary in order to corroborate Complainant’s claim of discrimination or must be cross examined in order to expose pretext proffered by Agency:

* 1. Battalion Executive Officer Derrick D. Hunter. Regarding the counseling memo of July 13, 2018 regarding Complainant’s attendance. Regarding sexual harassment of Complainant on May 9, 2018; June 8, 2018; July 5, 2018; July 6, 2018; July 11, 2018; July 13, 2018.
  2. Commanding LTC, MI Justin P. Overbaugh. Regarding sexual and non sexual harassment of Complainant. Regarding the counseling memo of August 9, 2018.
  3. Executive Officer, MAJ, LG Anthony S. Harrison. Regarding counseling memo of October 3, 2018
  4. Acting Executive Officer, Chief, HR Division, Nestor Neuman. Regarding sexual and non sexual harassment of Complainant. Regarding counseling memo of October 2, 2018.
  5. Jody Gaddy. Regarding LTC Overbaugh referring to Complainant as “sweet” or “sweetie.”
  6. Connie Hemm. Regarding LTC Overbaugh referring to Complainant as “sweet” or “sweetie.”

# Grievance Process

√ Complainant did not file a grievance pursuant to a collective bargaining agreement with the Agency regarding the claims included in this case.

\_\_\_ Complainant filed a grievance pursuant to a collective bargaining agreement with the Agency regarding the claims included in this case. *See below.*

Briefly explain when the grievance was filed and the current status of the grievance. If applicable, identify if there is an executed settlement agreement with respect to the grievance that resolved issues pending before the EEOC. You will be required to provide a copy of the settlement agreement at a later date.

# Merit Systems Protection Board (MSPB) Process

√ Complainant did not file an appeal with MSPB regarding the claims included in this case.

\_\_\_ Complainant filed an appeal with MSPB regarding the claims included in this case. *See below.*

\_√\_\_ The complaint involves issues that could be appealable to the MSPB (for example: termination, constructive discharge, suspensions, etc.). However, to date, no appeal has been filed. *See below.*

Complainant was constructively discharged when on October 17, 2018 she submitted her resignation as “constructive discharge” after months of sexual and non sexual harassment and discriminatory treatment, including counseling memos and suspension proposal. ROI 000323-325.

Respectfully submitted,

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|  | /s/ Chungsoo J. Lee |
|  | Chungsoo J. Lee  Complainant Representative  EEO 21, LLC  275 E. Street Road, #27  Feasterville, PA 19053  (215) 939-5831; (215) 947-0343 (fax)  [Lee.eeo21@gmail.com](mailto:Lee.eeo21@gmail.com%20%20), www.eeo21.com |

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I have served the above documents (COMPLAINANT’S PRELIMINARY CASE INFORMATION) to the parties listed below via means indicated below on the date of signature below:

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| **Administrative Judge** |  |
| Xxxxx Xxxxxxx  US EEOC, xxxx District Office  10xxxx 2nd Street, Suite 1500  xxxx, xxxx xxxxx | By email and EEOC public portal: [w.rxxxxxxx@eeoc.gov](mailto:w.rxxxxxxx@eeoc.gov) |
| **Agency Representative** |  |
| Xxxx xxxxx, Esq. | By email and EEOC public portal: [lexxxxx.xxxx.civ@mail.mil](mailto:lexxxxx.xxxx.civ@mail.mil) |

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| --- | --- |
| 12/5/2020 | /s/ Chungsoo J. Lee |
| Date | Chungsoo J. Lee  Complainant Representative  EEO 21, LLC  275 E. Street Road, #27  Feasterville, PA 19053  (215) 939-5831; (215) 947-0343 (fax)  [cslee@eeo21.com](mailto:cslee@eeo21.com); www.eeo21.com |