

No. 18-9667

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



Loretta J. Alford — PETITIONER
(Your Name)

vs.

Tina Ballard, Abilityone — RESPONDENT(S)
Executive Director & Chief Executive Officer
ON PETITION FOR A WRIT OF CERTIORARI TO

US Court of Appeals for the Fourth Circuit - Eastern District
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Loretta J. Alford
(Your Name)

15190 Brickwood Dr. #103
(Address)

Woodbridge, VA 22193
(City, State, Zip Code)

703-867-0411
(Phone Number)

QUESTION(S) PRESENTED

1. Doesn't the Javits-Wagner-O-Day Act Title 41 of the United States Code, Section 8502 indicate that General Services Administration handles personnel and personnel actions (Human Resources) for the Abilityone Commission?
2. Is it not my right to report Prohibited Personnel Practices and Timecard Fraud to the General Services Administrator's Inspector General's office?
3. Is it not against the law to retaliate against me for reporting the Prohibited Personnel Practices and Timecard fraud to the General Services Administrator's Inspector General?

LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

Kimberely Zeich, Deputy Executive Director; chief operating officer - Abilityone Commission

Amy Jensen, Director of Compliance, Abilityone Commission

SCOTT Anderson, Regional Administrator of General Services Administration, National Region

Honorable Jeremiah Cassidy, chief Administrative Judge, MSPB

Mindy E. Weinstein, Acting Director, EEOC

Kermit Jones, previous chief of staff, Abilityone Commission

Louis Bartalot, previous Director of Compliance, Abilityone Commission

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Appendix A.....United States Court of Appeals For The Fourth Circuit

(Case 19-1047 – Decided April 10, 2019) — (9a)

Appendix B.....United States District Court for the Eastern District of Virginia

(Case 1:18-cv-00917 LMD/MSN Decided on December 27, 2018) — (13a)

Appendix C.....Office of Special Counselor (OSC File No. MA-17-2515; response received dated May 25, 2017-no investigation) — (21a)

Appendix D....Equal Employment Opportunity Commission Decision

(EEOC Case 570-2015-00364X; GSA Agency No. GSA-14-ALD-3); decided July 21, 2016 — (24a)

Appendix E....EEOC Appeal (twice, July 26, 2016; February 3, 2017); EEOC

Decision dated May 31, 2018 — (43a)

Appendix F....Merit Systems Protection Board

(Docket DC-0752-14-0892-I-1, dated November 13, 2014)

(Both defendants, Amy Jensen and Louis Bartalot testified against me at the MSPB hearing – both of Abilityone Commission) —(84a)

Appendix G....Facts of the Case listed in Chronological Order —(114a)

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

I have repeatedly been denied legal counsel during this Administrative process and could have easily had the attorney to resolve this section.

STATUTES AND RULES

OTHER

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was April 10, 2019.

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix ____.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. __A_____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

For cases from **state courts**:

The date on which the highest state court decided my case was _____. A copy of that decision appears at Appendix _____.

A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. __A_____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. The Fifth Amendment of the Constitution Civil Rights Violation of Due Process by way of Prohibited Personnel Practices. This information sat in my case file from the beginning of the court proceedings beginning with the Federal Civil Case.
2. The Fourteenth Amendment of the Constitution Violation of Due Process by way of Prohibited Personnel Practices. This information sat in my case file from the beginning of the court proceedings beginning with the Federal Civil Case.
3. Office of Personnel Management's Rules and Regulations under the Title 5 of the U.S.C. (Appendix G)
4. Javits-Wagner-O-Day Act (JWOD) Title 41 of the United States Code, Section 8502 (Appendix A, B, D and E). All cases had access to the law which was maintained in my file.
5. 5 United States Code 2302 (Prohibited Personnel Practices); (Appendix A, B, D, E). All cases had access to the prohibited personnel practices which was maintained in my file.
6. "Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, "Public Law 107-174) which is known as the No Fear Act; Whistleblower Protection Act of 1989, under 5 U.S.C. 2302(b)(8)-(9) This information sat in my case file from the beginning of the court proceedings beginning with the Federal Civil Case.

STATEMENT OF THE CASE

1. Background of the JWOD Act pertaining to personnel and personnel actions
2. Factual Background
3. Proceedings Below

1. Background of the JWOD Act

In 1938, the Wagner-O-Day Act (JWOD) was passed under President Franklin D. Roosevelt in order to provide employment opportunities for people who are blind or severely disabled. The Act was passed by the 92nd United States Congress in 1971. The Javits-O-Wagner-O-Day Act appears in Title 41 of the United States Code, Sections 8501 through 8506. Title 41 of the United States Code, Section 8502 indicates the Administrator of General Services (GSA) shall provide to the Committee, on a reimbursable basis, administrative support services the Committee request.

2. Factual Background

Plaintiff suffered a number of illegal personnel actions that were processed by both the General Services Administration and the Abilityone Commission along with reporting prohibited personnel practices and timecard fraud to both the General Services Administration and the Office of Special Counsel with no investigations by anyone.

3. Proceedings Below

A. The US Court of Appeals

The US Court of Appeals agrees with the decision of the US Federal Court without addressing the most critical part of the case which involves both the Javits-O-Wagner-O-Day Act pertaining to personnel and personnel actions and the claims of Prohibited Personnel Practices and addressing why I received the Memorandum of Counseling not related to my job duties.

(App. B 1-8)

B. The US Federal Courts

The US Federal Courts decision does not address a critical part of the case involving the Javits-O-Wagner-O-Day Act (JWOD) and how it connects with the personnel actions that occurred between July 3, 2011 and July 7, 2014 and the laws that support both the General Services Administration and the Abilityone Commission even though it was listed in the EEOC Appeal twice. (App. A 1-4)

The US Federal Courts decision does not acknowledge the reporting requirements to the General Services Administration's Inspector General as a Whistleblowers complaint along with the failure for the Office of Special Counsel with authority to investigate claims of prohibited personnel practices.

C. The Equal Employment Opportunity does not acknowledge the Javits-O-Wagner-O-Day Act relating to Personnel and Personnel actions and doesn't recognize the retaliation actions and administers the decision without an investigation. Both the General Services Administration and the EEOC failed to address the appeals (twice). In the EEOC Appeal, I was specific in indentifying the law (App. E 1-18; App. E 28-33) referencing 40 U.S.C. 501 and 41 USC 8502. Yet it was ignored by the General Services Administration Office of Civil Rights, the Director-Office of Federal Operations and the Abilityone General Counsel-Timi Kenealy. The Equal Employment Opportunity also failed to acknowledge any information from a witness in my favor even thou the affidavit was in my case file for Zafor Ullah. (App.E 37-41) who is employed at the Abilityone Committee as a Compliance Specialist. The EEO's decision was based on hear-say and not facts. The EEOC failed to provide a proper investigation into any of my claims only for the Director that administered the report to disappear. Then the Abilityone Commission pays the same General Services Administration's attorney in the MSPB, a fee to represent them in the EEO case.

D. The Merit Systems Protection Board does not recognize 40 U.S.C. 501 and 41 USC 8502 of the (JWOD Act) and due to the fact that defendants Louis Bartalet and Amy Jensen testified against me, failed to inform the courts that I was terminated without cause and failed to mention the referenced law. Then, the Abilityone Commission hires this General Services Administrator's Attorney to assist them with this illegal action whom was paid a fee. (App. F 1-30).

REASONS FOR GRANTING THE PETITION

- I. The US Courts of Appeals decision was based on confusion or uncertainty relating to all actions that occurred and the law pertaining to personnel actions under the Javits-Wagner-O-Day Act (JWOD) Title 41 of the United States Code, Section 8502. An Act that was passed by the 92nd United States Congress in 1971;
- II. The US Courts of Appeals decision failed to resolve questions presented;
- III. The US Courts of Appeals has decided an important question of federal law that has not been, but should be, settled by this Court

CONCLUSION

“For the foregoing reasons the petition for a writ of certiorari should be granted”.

Respectfully submitted,



Loretta J. Alford

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