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ORDER OF THE SIXTH CIRCUIT
(JUNE 24, 2019)

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

CHRISTINA ALESSIO,

Plaintiff-Appellant,

v.

UNITED AIRLINES, INC.,

Defendant-Appellee.

No. 18-4251

On Appeal from the United States District Court for
the Northern District Of Ohio

Before: SUHRHEINRICH and WHITE, Circuit Judges.

Christina Alessio, a pro se Ohio resident, appeals a district court judgment dismissing her civil complaint construed to be filed under the Age Discrimination in Employment Act ("ADEA"), 29 U.S.C. §§ 621-634; the Americans with Disabilities Act ("ADA"), 42 U.S.C. §§ 12101-12213; Title VII of the Civil Rights Act of 1964 ("Title VII"), 42 U.S.C. §§ 2000e-2000e-17; and the Hazardous Materials Transportation Act ("HMTA"), 49 U.S.C. § 5124. This case has been referred to a panel of the court that, upon examination, unanimously agrees that oral argument is not needed. *See* Fed. R. App. P. 34(a).

Alessio, a flight attendant employed by United Airlines, Inc. ("United"), sued her employer and several individual management/supervisory employees, alleging that United uses hazardous air fresheners and cleaning materials in the cabin of its aircraft in violation of the HMTA. She contended that her duties as a flight attendant require her to ensure safe travel for her co-workers and the general public and that United's use of the allegedly prohibited materials caused unspecified illness/injury to herself and others. Alessio also referenced work-related injuries that she suffered on the job. She claimed that the defendants' conduct had "resulted in [unnecessary] injury to a disability with no accommodation, age discrimination[,] and ongoing continued retaliation and [harassment]." Alessio attached several documents to her complaint, including two documents that she identified as "EEOC" discrimination charges.¹ The defendants moved to dismiss the complaint pursuant to Federal Rule of Civil Procedure 12(b)(6), and Alessio responded. Subsequently, Alessio filed several documents, which the district court struck from the record because Alessio had not obtained leave of court to file them and because the filings were not proper responses to the defendants' motion to dismiss.

Based on the factual allegations contained in Alessio's complaint and the "EEOC" attachments, the district court construed the complaint as asserting claims that the defendants had: (1) violated the HMTA, (2) discriminated against her based on her age, (3) retaliated against her, and (4) failed to accommodate her

¹ As the district court correctly noted, a review of the documents indicate that they were actually filed with the Ohio Civil Rights Commission.

alleged disability. The district court dismissed the claims against the individual defendants because Alessio failed to assert any factual allegations against them, dismissed any claim under the HMTA because the Act does not provide for a private cause of action, and dismissed the remaining claims for failure to state a prima facie case of discrimination. However, the district court granted Alessio leave to amend her complaint to allow her to provide additional facts in support of a claim that United had failed to accommodate her disability. Alessio filed an amended complaint, again focusing on her allegations that United allegedly used hazardous air fresheners and cleaning materials in its aircraft. Upon consideration, the district court concluded that Alessio failed to state a prima facie case for failure to accommodate her disability because she did not identify a "disability" as defined by the ADA. Therefore, the district court dismissed the complaint.

Alessio filed a notice of appeal, indicating that she wished to challenge the district court's dismissal of her claims under the ADA and the HMTA on appeal. However, her appellate brief presents arguments only in support of her HMTA claim. She continues to argue that United is illegally using hazardous materials on its aircraft and that a certificate of compliance is required to establish that United is complying with the HMTA. She also argues that United's continued use of hazardous materials might qualify as "an example of a Civil Conspiracy or [practices of] Intentional Tort." Finally, she argues that the district court erred when it struck her filings from the record and failed to consider the evidence presented in those

filings. Alessio has filed two appendices, which United has moved to have stricken from the appellate record.

Initially, Alessio's attempt to assert civil-conspiracy and intentional-tort claims is not properly before us because she did not raise those claims in the district court, and we will not address them in the first instance on appeal. *See Vance v. Wade*, 546 F.3d 774, 781 (6th Cir. 2008). In addition, Alessio has abandoned her claims against the individual defendants and her age discrimination and retaliation claims because she did not challenge the district court's dismissal of those claims in her appellate brief. *See Post v. Bradshaw*, 621 F.3d 406, 413-14 (6th Cir. 2010); *Grace Cmty. Church v. Lenox Twp.*, 544 F.3d 609, 618 n.1 (6th Cir. 2008).

Alessio has also abandoned her challenge to the district court's dismissal of her failure-to-accommodate claim. Despite her stated intention in her notice to appeal to challenge the dismissal of that claim, she failed to present any developed argument challenging the district court's ruling on that issue in her appellate brief. In fact, Alessio stated in her reply to United's appellate brief that United had improperly relied on the ADA in support of its argument that this court should affirm the district court's dismissal of her complaint. Although Alessio is proceeding pro se and her filings should be liberally construed, "pro se parties must still brief the issues advanced and reasonably comply" with the briefing standards set forth in Federal Rule of Appellate Procedure 28. *Bouyer v. Simon*, 22 F. App'x 611, 612 (6th Cir. 2001) (citing *McNeil v. United States*, 508 U.S. 106, 113 (1993)); *see also* Fed. R. App. P. 28(a)(9). Because Alessio has developed arguments regarding only her HMTA claim, that is the only claim

preserved for appeal. *See Dillery v. City of Sandusky*, 398 F.3d 562, 569 (6th Cir. 2005) (“It is well-established that ‘issues adverted to in a perfunctory manner, unaccompanied by some effort at developed argumentation, are deemed waived.’” (quoting *United States v. Layne*, 192 F.3d 556, 566 (6th Cir. 1999))) *abrogated on other grounds by Anderson v. City of Blue Ash*, 798 F.3d 338, 357 n.1 (6th Cir. 2015).

We review de novo a district court’s dismissal of a complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief can be granted. *Luis v. Zang*, 833 F.3d 619, 625 (6th Cir. 2016). To avoid dismissal, “a complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)).

The district court properly dismissed Alessio’s HMTA claim because the Act does not provide for a private cause of action. Section 5124 of the HMTA provides that a person who knowingly violates the Act “shall be fined . . . , imprisoned for not more than 5 years, or both.” However, criminal statutes generally do not create private causes of action. *See Cent. Bank of Denver, N.A. v. First Interstate Bank of Denver, N.A.*, 511 U.S. 164, 190 (1994). As the district court correctly noted, “the fact that a federal statute has been violated and some person [has been] harmed does not automatically give rise to a private cause of action in favor of that person.” *Touche Ross & Co. v. Redington*, 442 U.S. 560, 568 (1979) (quoting *Cannon v. Univ. of Chi.*, 441 U.S. 677, 688 (1979)). The district court concluded that “nothing in the text of [the HMTA], its legislative history, or any case law” suggests that § 5124 provides

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for a private cause of action, and Alessio has pointed to no authority refuting the district court's conclusion. Alessio's appellate argument that the district court erred when it struck her supplemental filings from the record is unavailing because any evidence relating to United's use of hazardous materials in violation of the HMTA would not affect the propriety of the district court's dismissal of her claim under the HMTA.

Accordingly, we AFFIRM the district court's judgment and DENY the motion to strike Alessio's appendices from the record as moot.

ENTERED BY ORDER OF
THE COURT

/s/ Deborah S. Hunt

Clerk

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**JUDGMENT ENTRY OF THE DISTRICT COURT
OF NORTHERN DISTRICT OF OHIO
(NOVEMBER 20, 2018)**

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

CHRISTINA ALESSIO,

Plaintiff,

v.

UNITED AIRLINES, INC., ET AL.,

Defendants.

Case No. 5:17-cv-01426

Before: Honorable Sara LIOI,
United States District Judge.

For the reasons set forth in the contemporaneously filed Memorandum Opinion, the motion of defendant United Airlines, Inc. to dismiss the amended complaint of plaintiff Christina Alessio (Doc. No. 28) is GRANTED. This case is closed.

IT IS SO ORDERED.

/s/ Sara Lioi

Honorable Sara Lioi
United States District Judge

Dated: November 20, 2018

MEMORANDUM OPINION AND ORDER
OF THE DISTRICT COURT OF NORTHERN
DISTRICT OF OHIO
(NOVEMBER 20, 2018)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

CHRISTINA ALESSIO,

Plaintiff,

v.

UNITED AIRLINES, INC., ET AL.,

Defendants.

Case No. 5:17-cv-01426

Before: Honorable Sara LIOI,
United States District Judge.

On February 15, 2018, the Court granted the motion of defendants to dismiss this action, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, for failure to state a claim upon which relief could be granted, but afforded *pro se* plaintiff Christina Alessio ("Alessio") leave to amend her complaint to raise factual allegations that would support a claim against defendant United Airlines, Inc. ("United") for failure to accommodate a disability under the Americans with Disabilities Act ("ADA"). (Doc. No. 26 (Memorandum

Opinion and Order ["MOO"]) at 232-33.¹) On March 9, 2018, Alessio timely filed her amended complaint. (Doc. No. 27 (First Amended Complaint ["FAC"])).

Now before the Court is United's motion to dismiss the FAC for failure to state a claim. (Doc. No. 28 ["Mot."].) Alessio did not file an opposition, and the time for filing a response brief has passed. Because the Court finds that the FAC does not allege fact that, if believed, would support a claim that United failed to accommodate Alessio's disability under the ADA, the motion to dismiss is GRANTED.

I. Standard of Review

A complaint must contain "a short and plain statement of the claim showing that the pleader is entitled to relief[.]" Fed. R. Civ. P. 8(a)(2). Although this pleading standard does not require great detail, the factual allegations in the complaint "must be enough to raise a right to relief above the speculative level[.]" *Bel Atl. Corp. v. Twombly*, 550 U.S. 544, 555, 127 S. Ct. 1955, 167 L. Ed. 2d 929 (2007) (citing authorities). In other words, "Rule 8(a)(2) still requires a 'showing,' rather than a blanket assertion, of entitlement to relief." *Id.* at 556 n.3 (criticizing the *Twombly* dissent's assertion that the pleading standard of Rule 8 "does not require, or even invite, the pleading of facts").

"To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" *Ashcroft v. Iqbal*, 556 U.S. 662, 678, 129 S. Ct. 1937, 173 L. Ed. 2d 868 (2009) (quoting *Twombly*, 550 U.S.

¹ All page number references are to the page identification number generated by the Court's electronic docketing system.

at 570). Rule 8 does not “unlock the doors of discovery for a plaintiff armed with nothing more than conclusions.” *Id.* at 678-79. “When there are well-pleaded factual allegations, a court should assume their veracity and then determine whether they plausibly give rise to an entitlement to relief.” *Id.* at 679 (citation omitted). “The Court need not, however, accept unwarranted factual inferences.” *Total Benefits Planning Agency, Inc. v. Anthem Blue Cross & Blue Shield*, 552 F.3d 430, 434 (6th Cir. 2008) (citing *Morgan v. Church’s Fried Chicken*, 829 F.2d 10, 12 (6th Cir. 1987)).

Further, although pleadings and documents filed by *pro se* litigants are “liberally construed” and held to a less stringent standard than formal pleadings drafted by lawyers, *Erickson v. Pardus*, 551 U.S. 89, 94, 127 S. Ct. 2197, 167 L. Ed. 2d 1081 (2007), *pro se* plaintiffs must still meet basic pleading requirements and courts are not required to conjure allegations on their behalf. *Erwin v. Edwards*, 22 F. App’x 579, 580 (6th Cir. 2001) (citations omitted); see *Beaudett v. City of Hampton*, 775 F.2d 1274, 1277 (4th Cir. 1985) (District courts are not required to conjure up questions never squarely presented to them or to construct full claims from sentence fragments. To do so would “require . . . [the courts] to explore exhaustively all potential claims of a *pro se* plaintiff . . . [and] would . . . transform the district court from its legitimate advisory role to the improper role of an advocate seeking out the strongest arguments and most successful strategies for a party.”) (citation omitted); see also *Twombly*, 550 U.S. at 555 (The complaint must contain “more than labels and conclusions, and a formulaic recitation of a cause of action’s elements will not do.”); *Scheid v. Fanny Farmer Candy Shops, Inc.*, 859 F.2d

434, 437 (6th Cir. 1988) (all complaints must contain either direct or inferential allegations respecting all material elements of some viable legal theory to satisfy federal notice pleading requirements) (citations omitted).

II. Background and Discussion

The Court assumes familiarity with its February 15, 2018 Memorandum Opinion and Order and will only review the factual and procedural background of the case briefly to give context to the pending motion. Alessio is a flight attendant employed by United. (MOO at 220.) While her pleadings in this case have been consistently incoherent, the clear impetus for the present action is Alessio's belief that United is using hazardous air fresheners and/or cleaning products in the cabins of its aircrafts in violation of federal law. (*Id.*)

Affording a liberal construction to her pleading, the Court interpreted her initial complaint as attempting to raise claims for violations of 49 U.S.C. § 5124, the Age Discrimination in Employment Act ("ADEA"), and the ADA. Finding that the allegations in the complaint, even if believed, did not state a claim under any of these federal statutes, the Court dismissed the claims. However, the Court noted that documents appended to the complaint from certain agency proceedings indicated that Alessio may have sought accommodation from United for a possible disability. In an abundance of caution, and after carefully reviewing the elements of an ADA failure to accommodate claim, the Court granted Alessio leave to attempt to plead such a claim. (*Id.* at 228-33.)

As the Court explained in its February 15, 2018 decision, in order to set forth a *prima facie* case for a

failure to accommodate under the ADA, a plaintiff must allege sufficient facts, which if true, establish that: (1) she is disabled within the meaning of the ADA; (2) she is otherwise qualified for her position, with or without reasonable accommodation; (3) her employer knew or had reason to know about her disability; (4) she requested an accommodation; and (5) her employer failed to provide a reasonable accommodation. *See Aldini v. Kroger Co. of Mich.*, 628 F. App'x 347, 350 (6th Cir. 2015).

Alessio fails to offer factual allegations that, if believed, would support *any* of the elements of an ADA failure to accommodate claim. Like its predecessor, the FAC consists largely of her opinions that United is using dangerous air fresheners in its aircrafts, and that, as a result, the "Global Air Traveling Public" is being denied a safe environment. (*See, e.g.*, FAC at 235.) She alleges that air travelers, generally, are being exposed to harmful chemicals that could result in some unidentified disability.² (*Id.* at 237.) She suggests that this fact "should raise concern for the need of an accommodation with respect to the Whole Global Air Traveling Public being subjected to Chemical Substance Aircraft Cabin Air." (*Id.* at 238.)

While Alessio has expressed concern for the safety and comfort of the air traveling public at large, she has failed to allege any facts that, if believed, would

² Alessio also alleges that "the 'disability' develops, because of the 'inability' to follow safety protocol communicated in the Chemical Substance air fresheners and Chemical Substance cleaning products, Material Safety Data Sheets. With respect and for the record, the Chemical Substance ingredients to the Aircraft Cabin 'air fresheners' state: Not applicable.?" (*Id.* at 238, alterations and punctuation in original.)

support *her* ADA claim. First, she has failed to set forth factual allegations supporting a finding that she is an individual with a disability, which is a prerequisite to demonstrating that she is qualified for protection under the ADA. The FAC identified no “physical or mental impairment” and no factual allegations to support a conclusion that any such impairment “substantially limits one or more major life activities[.]” 42 U.S.C. § 12102(1)(A). This failure, alone, is fatal to her claim. *See, e.g., Currie v. Cleveland Metro. Sch. Dist.*, No. 1:15 CV 262, 2015 WL 4080159, at *4 (N.D. Ohio July 6, 2015) (dismissing *pro se* complaint, noting “[a] complaint alleging an ADA violation is properly dismissed for failure to identify a disability”). Alessio has also failed to allege that she requested a reasonable accommodation. Nowhere in the FAC does she identify any accommodation that she requested of United, explain how such an accommodation would afford her the ability to perform the essential functions of her position, or assert that any such reasonable accommodation was denied her by United.

As her amended pleading lacks the factual basis to satisfy any of the elements of a failure to accommodate claim under the ADA, it is subject to dismissal with prejudice. *See, e.g., Lee v. Sony BMG Music Entm’t, Inc.*, 557 F. Supp. 2d 418, 426 (S.D.N.Y. 2008) (dismissing plaintiff’s disability discrimination claim under Rule 12(b)(6) where plaintiff failed to plead that she could not perform a major life activity and did not identify her alleged disability); *Coleman v. Ford Motor Co.*, No. 3:04CV7590, 2005 WL 1459549, at *2 (N.D. Ohio June 17, 2005) (“Any claim of disability discrimination that plaintiff’s complaint might be read

as asserting is barred due to plaintiff's failure to specify the allegedly disabling impairment. . . . Plaintiff's complaint fails to specify the particular impairment; indeed, he fails to identify any impairment.").

Moreover, to the extent that the FAC can be interpreted as improperly seeking to "appeal" this Court's February 15, 2018 ruling, such a request is premature and addressed to the wrong court. (*See* FAC at 235.) Alternatively, if Alessio's request to "appeal" represents a request for reconsideration, the request is denied, as she has failed to identify any reason why she is entitled to reconsideration of the Court's February 15, 2018 decision.

III. Conclusion

For all the foregoing reasons, United's motion to dismiss the FAC (Doc. No. 28) is GRANTED. This case is closed.

IT IS SO ORDERED.

/s/ Sara Lioi
Honorable Sara Lioi
United States District Judge

Dated: November 20, 2018.

MEMORANDUM OPINION AND ORDER
OF THE DISTRICT COURT OF NORTHERN
DISTRICT OF OHIO
(FEBRUARY 15, 2018)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

CHRISTINA ALESSIO,

Plaintiff,

v.

UNITED AIRLINES, INC., ET AL.,

Defendants.

Case No. 5:17-cv-01426

Before: Honorable Sara LIOI,
United States District Judge.

On July 7, 2017, *pro se* plaintiff Christina Alessio (“Alessio”) filed this action against defendant United Airlines, Inc. (“United”) and several individual defendants: Oscar Munoz, Scott Kirby, Brett Hart, Robert Milton, Sam Risoli, Mary Sturchio, Janie DeVito, and Kim Piszczek (“individual defendants”) (United and individual defendants collectively referred to as “defendants”). Now before the Court is defendants’ motion to dismiss, or, in the alternative, for a more

definite statement.¹ (Doc. No. 8 ["Mot."].) Alessio opposes the motion (Doc. No. 10 ["Opp'n"]), and defendants have filed a reply. (Doc. No. 12 ["Reply"].) For the following reasons, defendants' motion to dismiss is granted, but Alessio is granted leave to amend her complaint to state a cause of action against United for a failure to accommodate a disability.

I. Background

Alessio is a flight attendant employed by United. (Doc. No. 1 (Complaint ["Compl."]) at 22.) Though largely incoherent, Alessio's complaint appears to revolve around her belief that United is unlawfully using hazardous air fresheners and/or cleaning products in its aircraft. According to Alessio, these air fresheners and/or cleaning products constitute "poison" under federal law, and the use of these products "is simply wrong and harmful." (*Id.* at 2-3.) Alessio indicates that she is raising a matter of public health, and underscores her duty as a flight attendant to ensure a safe and comfortable environment for passengers. She references two charges she alleges she filed with the Equal

¹ On November 15, 2017, the Court entered an order striking certain extraneous materials filed by Alessio. (*See* Doc. No. 25.) Also on November 15, 2017, United filed a motion to strike additional extraneous materials filed by Alessio. (Doc. No. 24 [requesting that Doc. Nos. 20, 21, and 23 be stricken].) The Court finds that the filings referenced by United in its motion to strike do not represent proper responses to defendants' dispositive motion. Accordingly, and to the extent that Alessio's extraneous filings have not been already stricken from the docket by the Court's November 15, 2017 order, the Court grants United's motion to strike.

² All page number references are to the page identification number generated by the Court's electronic docketing system.

Employment Opportunity Commission (“EEOC”),³ and appends to her complaint, among other documents, certain filings associated with those charges. (*Id.* at 5, 6; Doc. No. 1-5 [“EEOC Docs.”].) She also alludes to workplace injuries that she or others may have suffered, presumably by United’s use of the cleaning products and air fresheners. (Compl. at 3.) Finally, she cites generally to 49 U.S.C. § 5124 and various portions of United’s flight attendant’s policy and procedures manual.

II. Standard of Review

A complaint must contain “a short and plain statement of the claim showing that the pleader is entitled to relief[.]” Fed. R. Civ. P. 8(a)(2). Although this pleading standard does not require great detail, the factual allegations in the complaint “must be enough to raise a right to relief above the speculative level[.]” *Bel Atl. Corp. v. Twombly*, 550 U.S. 544, 555, 127 S. Ct. 1955, 167 L. Ed. 2d 929 (2007) (citing authorities). In other words, “Rule 8(a)(2) still requires a ‘showing,’ rather than a blanket assertion, of entitlement to relief.” *Id.* at 556 n.3 (criticizing the *Twombly* dissent’s assertion that the pleading standard of Rule 8 “does not require, or even invite, the pleading of facts”).

“To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678, 129 S. Ct. 1937,

³ It appears from the filings that the charges were more likely filed with the Ohio Civil Rights Commission (“OCRC”). (See EEOC Docs. at 13, 20.) The agency designation is of no consequence to the Court’s analysis, and, for the sake of clarity, these documents will continue to be referred to as “EEOC Docs.”

173 L. Ed. 2d 868 (2009) (quoting *Twombly*, 550 U.S. at 570). Rule 8 does not “unlock the doors of discovery for a plaintiff armed with nothing more than conclusions.” *Id.* at 678-79. “When there are well-pleaded factual allegations, a court should assume their veracity and then determine whether they plausibly give rise to an entitlement to relief.” *Id.* at 679 (citation omitted). “The Court need not, however, accept unwarranted factual inferences.” *Total Benefits Planning Agency, Inc. v. Anthem Blue Cross & Blue Shield*, 552 F.3d 430, 434 (6th Cir. 2008) (citing *Morgan v. Church’s Fried Chicken*, 829 F.2d 10, 12 (6th Cir. 1987)).

Further, although pleadings and documents filed by *pro se* litigants are “liberally construed” and held to a less stringent standard than formal pleadings drafted by lawyers, *Erickson v. Pardus*, 551 U.S. 89, 94, 127 S. Ct. 2197, 167 L. Ed. 2d 1081 (2007), *pro se* plaintiffs must still meet basic pleading requirements and courts are not required to conjure allegations on their behalf. *Erwin v. Edwards*, 22 F. App’x 579, 580 (6th Cir. 2001) (citations omitted); see *Beaudett v. City of Hampton*, 775 F.2d 1274, 1277 (4th Cir. 1985) (District courts are not required to conjure up questions never squarely presented to them or to construct full claims from sentence fragments. To do so would “require . . . [the courts] to explore exhaustively all potential claims of a *pro se* plaintiff . . . [and] would . . . transform the district court from its legitimate advisory role to the improper role of an advocate seeking out the strongest arguments and most successful strategies for a party.”) (citation omitted); see also *Twombly*, 550 U.S. at 555 (The complaint must contain “more than labels and conclusions, and a formulaic recitation of a cause of action’s elements will not do.”);

Scheid v. Fanny Farmer Candy Shops, Inc., 859 F.2d 434, 437 (6th Cir. 1988) (all complaints must contain either direct or inferential allegations respecting all material elements of some viable legal theory to satisfy federal notice pleading requirements) (citations omitted).

In ruling on a Rule 12(b)(6) motion, a court “may consider the [c]omplaint and any exhibits attached thereto, public records, items appearing in the record of the case and exhibits attached to [a] motion to dismiss so long as they are referred to in the [c]omplaint and are central to the claims contained therein.” *Bassett v. Nat’l College Athletic Ass’n*, 528 F.3d 426, 430 (6th Cir. 2008) (citing *Amini v. Oberlin Coll.*, 259 F.3d 493, 502 (6th Cir. 2001)). The EEOC Docs., appended to the complaint, meet this standard and can be considered.

III. Discussion

Alessio’s complaint is difficult to follow. As best as the Court can surmise, and based upon the labels and conclusions contained in the pleading, Alessio appears to be raising the following claims: (1) a violation of 49 U.S.C. § 5124, (2) age discrimination, (3) retaliation, and (4) a failure to accommodate her alleged disability. After liberally construing Alessio’s complaint, the Court finds that Alessio has failed to state a claim upon which the Court may grant relief. Nonetheless, as explained below, the Court shall permit Alessio leave to amend her complaint to set forth factual allegations that support a claim for a failure to accommodate a disability against United.

A. No Private Cause of Action Under Title 49

Alessio makes repeated reference to 49 U.S.C. § 5124, and, indeed, it is the only statute she cites in her pleading. Section 5124 provides criminal penalties, including fines and imprisonment, for violations of certain provisions applicable to the transportation of hazardous materials. The statute does not expressly provide for a private cause of action, and the Court is unaware of any federal court that has recognized one. It is well settled that “the fact that a federal statute has been violated and some person has been harmed does not automatically give rise to a private cause of action in favor of that person.” *Touche Ross & Co. v. Redington*, 442 U.S. 560, 568, 99 S. Ct. 2479, 61 L. Ed. 2d 82 (1979) (quotation marks and citation omitted). Rather, “[p]rivate rights of action to enforce federal law must be created by Congress.” *Alexander v. Sadoval*, 532 U.S. 275, 286, 121 S. Ct. 1511, 149 L. Ed. 2d 517 (2001) (citation omitted). Courts, therefore, are tasked with determining whether Congress intended to create a private cause of action, and may perform this duty by considering “the text and structure of the statute at issue, the legislative history, and any relevant case law.” *Courtney v. Ivanov*, 41 F. Supp. 3d 453, 458 (W.D. Pa. 2014) (citing *McGovern v. City of Phila.*, 554 F.3d 114, 119 (3d Cir. 2009) (further citation omitted)). “Statutory intent [as to the existence of a private cause of action] is determinative. Without it, a cause of action does not exist and courts may not create one, no matter how desirable that might be as a policy matter, or how compatible with the statute.” *Alexander*, 532 U.S. at 287 (citations, including internal citations, omitted).

There is nothing in the text of the statute, its legislative history, or any case law relevant to 49 U.S.C. § 5124 that would suggest that Congress intended to create a private cause of action for civil violations of this statute governing criminal penalties.⁴ In the absence of any evidence of congressional intent to create a private cause of action, the Court is without authority to recognize one. Accordingly, Alessio has failed to state a cause of action under 49 U.S.C. § 5124, and this claim is dismissed with prejudice.

B. Individual Liability

Before turning to the remaining claims, the Court must address the arguments raised by the individual defendants. Specifically, they argue that Alessio has failed to allege any factual allegations against them, and that, even if she had, her claims would fail as against them because there is no individual liability.

Alessio has identified eight different individuals, purportedly employed by United in a variety of managerial positions—from chief executive officer to inflight supervisor—as defendants in this action. Still, the complaint does not contain any specific allegations of any wrongdoing against any of them.⁵ For this reason

⁴ 49 U.S.C. § 5123 provides for civil penalties, but those penalties are to be assessed by the government. *See* § 5123(d) (“The Attorney General may bring a civil action in an appropriate district court of the United States to collect a civil penalty under this section. . . .”) There is nothing in § 5123 that would indicate that Congress intended to create a cause of action for private citizens.

⁵ The EEOC Docs. reference certain supervisors and managers, but, as discussed *supra*, no individual liability against these individuals is available.

alone, the individual defendants are entitled to dismissal from this action. Moreover, to the extent that she has attempted to bring claims against the individual defendants for age discrimination, retaliation, and/or ADA⁶ failure to accommodate a disability, Alessio's claims would fail as a matter of law as there is no individual liability under Title VII,⁷ the ADA, or the ADEA.⁸ *See Mayes v. City of Oak Park*, 285 F. App'x 261, 262 (6th Cir. 2008) (affirming dismissal of individual defendants as to the plaintiff's ADA and Title VII claims on the ground that the ADA and Title VII do not provide for individual liability); *Wathen v. Gen. Elec. Co.*, 115 F.3d 400, 405 (6th Cir. 1997) (Title VII does not provide for individual liability because the definition of "employer" does not include individual supervisors and observing that the supervisor liability sections of the ADEA and Title VII may be interpreted interchangeably). The individual defendants are entitled to dismissal from this action.

C. Age Discrimination

The complaint's discussion of possible claims involving age discrimination, retaliation, and a failure to accommodate a disability are confined to a single statement that alleges that United's use of cleaning products and air fresheners "has resulted in unnecessary injury to a disability with no accommodation, age discrimination and ongoing continued retaliation and

⁶ ADA is an acronym for the Americans with Disabilities Act.

⁷ Title VII of the Civil Rights Act of 1964.

⁸ ADEA is an acronym for the Age Discrimination in Employment Act.

harassment.” (Compl. at 2-3.) The use of these labels, alone, is insufficient to state claims under federal law.

To establish a *prima facie* case of age discrimination, Alessio must prove and, therefore, must allege sufficient facts, which if true would establish that: (1) she was at least 40 years of age at the time of the alleged discrimination, (2) she was subjected to an adverse employment action, (3) she was qualified for the position, and (4) she was replaced by a person outside the protected class or was treated less favorably than a similarly-situated, non-protected employee for the same conduct. *See Treadway v. Cal. Prods. Corp.*, 659 F. App’x 201, 207-08 (6th Cir. 2016) (citations omitted); *Schoonmaker v. Spartan Graphics Leasing, LLC*, 595 F.3d 261, 264 (6th Cir. 2010) (same) (citation omitted).

Beyond the conclusory statement that she has been the victim of age discrimination, the complaint is entirely devoid of any factual allegations that support an age discrimination claim. Alessio fails to allege in her complaint that she is over the age of forty, or that she was subjected to an adverse employment action because of her age. She also has failed to set forth factual allegations demonstrating that she was treated less favorably than a similarly-situated, non-protected employee for the same conduct, something, as a current employee, she would have to allege to set forth a *prima facie* case.

The only possible basis for such a claim appears in the EEOC Docs., wherein Alessio claims that her manager made her aware of United’s “Early-Out Program” in an email on October 16, 2014. (EEOC Docs. at 19.) Alessio alleges that her manager’s suggestion that she was eligible for this early retirement program

was evidence of age discrimination.⁹ *Id.* (“Why would my Manager want me to know I was eligible for the Company Early-Out Program . . . [other than because she believed] “[i]t was time for me to retire from my career[?]”).

“The terms ‘retire’ and ‘retirement’ alone, without any evidence that they are being used as a proxy for age to express discriminatory basis, are not direct evidence of age discrimination.” *Treadway*, 659 F. App’x at 207 (citation omitted). Alessio points to no other facts that, if believed, would establish that this reference to her eligibility for United’s early retirement program represented age-based animus, and Alessio’s “personal belief to the contrary is not enough to compel a different conclusion.” *Id.* (citing *Chappell v. GTE Prods. Corp.*, 803 F.2d 261, 268 (6th Cir. 1986)). Moreover, a “company’s decision to offer [early retirement] incentive programs does not indicate a policy of age discrimination, since the programs offer older workers benefits not available to younger employees.” *Wilson v. Firestone Tire & Rubber Co.*, 932 F.2d 510, 514 (6th Cir. 1991) (citation omitted). As a result, the allegation relating to the email from her manager would be insufficient to state a plausible claim for age discrimination.

D. Retaliation

To state a *prima facie* case of retaliation, Alessio must set forth facts that, if believed, would establish: (1) she engaged in protected activity, (2) she was subjected to a materially adverse action, and (3) a causal link existed between the protected activity and the

⁹ In these same filings, Alessio notes that she is “close to the age of 55 years.” (EEOC Docs. at 19, underlining omitted.)

materially adverse action. *See EEOC v. Ford Motor Co.*, 782 F.3d 753, 767 (6th Cir. 2015).

As was the case with her purported age claim, the only facts offered in support of possible retaliation can be found in the EEOC Docs. According to Alessio, she was “subjected to a punitive work environment” shortly after she authored an email comparing examples of hazardous products used in her work environment when she was issued a verbal warning. (EEOC Docs. at 18.) She claimed that she was also issued a written warning “for inappropriate behavior and actions.” (*Id.* at 19.) She represented in these same EEOC Docs. that she disagreed with both the verbal and written warnings because she was merely fulfilling her obligations contained in United’s operations manual in regard to her work environment. (*Id.*)

The complaint fails to identify any protected activity for which she could have been subjected to retaliation. Even assuming the filing of administrative charges on July 20, 2015 and April 18, 2017 (*see* EEOC Docs. at 13, 20) constituted protected activity,¹⁰ the warnings she claims to have received on February 11, 2015 and March 31, 2015 could not have been in retaliation for the subsequently filed administrative charges. Further, even if they were, they would not constitute adverse employment actions. *See, e.g., Eisenbaum v. Senior Lifestyle Corp.*, 1:10-CV-701, 2013 WL 3776543, at *6 n.2 (S.D. Ohio July 17, 2013) (finding that to the extent the plaintiff claimed that

¹⁰ In the EEOC Docs., Alessio also points to five unsuccessful work injury claims she filed between May 19, 2010 and September 19, 2014. (EEOC Docs. at 17.) Alessio does not attempt to connect these claims to the warnings she received in 2015.

the issuance of a performance improvement plan and three other warnings constituted retaliation, such claims failed because they did not qualify as adverse employment actions); *see also McGraw v. Ohio Bell Tel. Co.*, No. 1:12 CV 1620, 2013 WL 3864585, at *12 (N.D. Ohio July 24, 2013) (“As a matter of law, written and verbal warnings do not constitute ‘adverse employment action’ for purposes of establishing a prima facie case of discrimination or retaliation.”) (collecting Sixth Circuit authority). Because Alessio cannot establish the first two necessary elements, she has failed to state a claim for retaliation.

E. Failure to Accommodate an ADA Disability

With respect to the final claim—a failure to accommodate a disability recognized under the ADA—the complaint does not elaborate on the nature of any disability or even confirm that the alleged failure to accommodate was associated with her disability. The ADA prohibits discrimination “against a qualified individual on the basis of disability in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment.” 42 U.S.C. § 12112(a). The ADA defines “qualified individual” as “an individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.” 42 U.S.C. § 12111(8). The ADA defines “disability” as “a physical or mental impairment that substantially limits one or more major life activities of such individual[.]” 42 U.S.C. § 12102(1)(A).

In order to set forth a *prima face* case for a failure to accommodate under the ADA, a plaintiff must allege sufficient facts, which if true, establish that: (1) she is disabled within the meaning of the ADA; (2) she is otherwise qualified for her position, with or without reasonable accommodation; (3) her employer knew or had reason to know about her disability; (4) she requested an accommodation; and (5) her employer failed to provide a reasonable accommodation. *See Aldini v. Kroger Co. of Mich.*, 628 F. App'x 347, 350 (6th Cir. 2015).

The only details relative to Alessio's purported failure to accommodate appear in Alessio's administrative filings. There, Alessio alleges that she developed Rheumatoid Arthritis in February 2003. (EEOC Docs. at 14.) She claims that she is "capable of performing [her] essential job functions" when she is "not being forced to breathe the hazardous air fresheners onboard the aircraft in [her] work environment." (*Id.*) In these same documents, she maintains that her disability has been aggravated by United's use of air freshener disks and that, for a period of time, United refused her doctor's suggested accommodation of removing or "sealing" the air freshener disks from aircraft on which she flies. (*Id.* at 15, 16.) While she admits that United eventually changed the air freshener products it was using, and gave her permission to throw away any air freshener disk she found in her work environment, these measures came after she sustained an aggravation to her existing disability that caused her to miss work. (*Id.* at 16-17.) She complains that she has been denied back pay from March 17, 2014 to November 4, 2014. (*Id.* at 17.)

United argues that, to the extent that Alessio is attempting to re-litigate her work injury claims she is precluded by Ohio law. The Ohio Workers' Compensation statute provides that employers "shall not be liable to respond in damages at common law or by statute for any injury, or occupational disease, or bodily condition, received or contracted by any employee in the course of or arising out of [her] employment[.]" Ohio Rev. Code § 4123.74. Ohio courts accordingly recognize the general rule that workers' compensation is the exclusive remedy for an employee injured as a result of negligence. *Ritchie v. Dravo Corp.*, 585 F. Supp. 1455, 1456 (S.D. Ohio 1984). Therefore, the Court agrees that Alessio cannot re-litigate her workers' compensation claims in this forum.

Nonetheless, an ADA failure to accommodate claim is a cause of action available to workers under federal law that is separate and apart from any workplace injury claim under state law. United argues that the complaint fails to set forth such a claim under the ADA because Alessio has failed "to allege sufficient facts to establish that she is a qualified individual with a disability." (Mot. at 102, citation omitted.) It is true that "a plaintiff's failure 'to identify, even in general terms, [her] disability and fail[ure] to identify a specific medical condition for which [she] was regarded as disabled' does not meet the threshold pleading requirements" under the ADA. *See Currie v. Cleveland Metro. Sch. Dist.*, No. 1:15 CV 262, 2015 WL 4080159, at *4 (N.D. Ohio July 6, 2015) (quoting *Thomas v. Dana Commercial Vehicle Prods., LLC*, No. 4:13 CV-00041-JHM, 2014 WL 1329948, at *4 (W.D. Ky. Apr. 1, 2014)). Yet United concedes that Alessio indicates in the EEOC Docs. that she suffers from

Rheumatoid Arthritis. These same documents also recount—though in a disjointed and incomplete way—communications with United’s management regarding her medical condition and possible accommodations, involvement in a company-sponsored accommodation program, and steps ultimately taken by United to address Alessio’s medical concerns.

Ultimately, the Court agrees with United that the complaint does not set forth factual allegations that, if believed, would satisfy all of the elements of a *prima facie* case of failure to accommodate under the ADA. Nonetheless, based upon the materials appended to the complaint, the Court believes that Alessio should be afforded an opportunity, if she chooses, to amend her complaint to set forth factual allegations necessary to state a claim for failure to accommodate under the ADA against United.¹¹ *See Brown v. Matauszak*, 415

¹¹ It would appear from these same materials that United did take certain actions to accommodate Alessio’s claimed disability, although the timing and the nature of those accommodations are not entirely clear. As a general rule, an employee “cannot base a disability discrimination claim upon an employer’s delay in providing a requested accommodation where the delay is due to internal processing or to events outside the employer’s control.” *Gerton v. Verizon S. Inc.*, 145 F. App’x 159, 168 (6th Cir. 2005) (district court did not err in granting summary judgment on ADA accommodation claim where the employer placed the employee in a temporary position while considering her claim) (citations omitted); *Gustavison v. Shinseki*, No. 10-12024-BC, 2011 WL 3566417, at *11 (E.D. Mich. Aug. 15, 2011) (“Delays caused by administrative procedures for processing a request do not demonstrate discrimination.”); *see, e.g., Edmunds v. Bd. of Control of E. Mich. Univ.*, No. 9-11648, 2009 WL 5171794, at *6 (E.D. Mich. Dec. 23, 2009) (summary judgment on ADA accommodation claim granted where university provided accommodation and any delay was not result of bad faith); *but see Jurgess v. Lowe’s Home Ctrs., Inc.*, No. 05-71241, 2006 WL 2909848, at *5-6 (E.D. Mich. Oct. 10,

F. App'x 608, 616 (6th Cir. 2011) (leave to amend *pro se* complaint should have been given, even without a request for such relief, where post-judgment motion revealed that information existed to cure the complaint deficiencies). The Court grants this leave in an abundance of caution, recognizing both the unique challenges facing *pro se* litigants and the preference that actions be determined on the merits. By affording leave, the Court makes no determination as to the merits of such a claim, nor does it offer a prediction as to whether the factual allegations in any amended claim will be sufficient to survive a Rule 12(b)(6) motion to dismiss.¹²

IV. Conclusion

For all of the foregoing reasons, defendants' motion to dismiss is granted. Alessio's claims for a violation of 49 U.S.C. § 5124, age discrimination, and retaliation, as well as any and all claims against the individual defendants, are dismissed with prejudice. Alessio's claim for failure to accommodate a disability under the ADA against United is also dismissed, with leave to amend. Alessio is afforded 30 days from the date of

2006) (summary judgment denied where genuine issue of material fact as to whether the delay in providing accommodation was reasonable). It also is the case that a disabled employee is not entitled to the accommodation of her choosing. *See Trepka v. Bd. of Educ.*, 28 F. App'x 455, 460 (6th Cir. 2002). The Court cannot determine from Alessio's EEOC Docs., alone, whether the accommodations offered or any delay in providing those accommodations was reasonable or the result of bad faith.

¹² Because the Court has found that Alessio's complaint fails to state a cause of action for a failure to accommodate, but has elected to permit Alessio to amend her complaint, the Court denies defendants' alternative motion for a more definite statement.

this memorandum opinion and order in which to file an amended complaint raising a claim against United for failure to accommodate a disability under the ADA. Leave to amend is limited to this ADA claim against United, only, as it would be futile to permit leave to amend the other claims against United or any claims against the individual defendants. *See River-view Health Inst. LLC v. Med. Mut. of Ohio*, 601 F.3d 505, 512 (6th Cir. 2010) (It is futile to allow a party to amend the complaint if even after amendment, the complaint could not withstand a Rule 12(b)(6) motion to dismiss.) (citation omitted). Should Alessio fail to timely file a fully compliant amended complaint within 30 days of this ruling, the Court will enter judgment in United's favor as to the ADA claim as well, and close this case.

IT IS SO ORDERED.

/s/ Sara Lioi
Honorable Sara Lioi
United States District Judge

Dated: February 15, 2018

**UNITED STATES COURT OF APPEALS
FOR THE 6TH CIRCUIT DOCKET DETAILS**

U.S. Circuit Court of Appeals for the Sixth Circuit
Court of Appeals Docket #: 18-4251
Nature of Suite: 3442 Civil Rights; Jobs
Christina Alessio v. United Airlines, Inc.
Appeal from: Northern District of Ohio at Akron
Fee Status: fee paid

12/21/2018

- 1 Civil Case Docketed. Notice filed by Appellant Christina Alessio. Transcript needed: n. (MMP) [Entered: 12/21/2018 10:11 AM]

12/21/2018

- 2 The case manager for this case is: Monica Page (MMP) [Entered: 12/21/2018 10:30 AM]

01/04/2019

- 3 BRIEFING LETTER SENT setting pro se briefing schedule: appellant brief due 02/19/2019; appellee brief due 03/21/2019. (RLJ) [Entered: 01/04/2019 08:25 AM]

01/09/2019

- 4 APPEARANCE filed for Appellee United Airlines, Inc. by Kathleen J. Sanz. Certificate of Service: 01/09/2019. [18-4251] (KJS) [Entered: 01/09/2019 04:01 PM]

01/09/2019

- 5 CORPORATE DISCLOSURE STATEMENT filed by Attorney Ms. Kathleen J. Sanz for Appellee United Airlines, Inc. Certificate of

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Service: 01/09/2019. [18-4251] (KJS) [Entered: 01/09/2019 04:35 PM]

01/09/2019

- 6 APPEARANCE filed for Appellee United Airlines, Inc. by Natalie M. Stevens. Certificate of Service: 01/09/2019. [18-4251] (NMS) [Entered: 01/09/2019 05:12 PM]

01/10/2019

- 7 DEFICIENCY NOTICE: The appearance form, [6], filed by Ms. Natalie Michele Stevens for United Airlines, Inc. is deficient for the reason noted on the attached checklist. (MMP) [Entered: 01/10/2019 09:30 AM]

02/06/2019

- 8 APPELLANT BRIEF filed by Ms. Christina Alessio Certificate of Service: 02/04/2019. Argument Request: PRO SE (MMP) [Entered: 02/06/2019 02:33 PM]

02/06/2019

- 9 APPENDIX filed by Ms. Christina Alessio Copies: 01-ONE VOLUME. Certificate of Service: 02/04/2019. (MMP) [Entered: 02/06/2019 02:47 PM] 02/06/2019
- 10 SEALED APPENDIX filed by Ms. Christina Alessio Copies: Personal information-1 Page Certificate of Service: 02/04/2019. (MMP) [Entered: 02/06/2019 02:50 PM]

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02/19/2019

- 11 FILED: Addendum to Appellant's brief by Ms. Christina Alessio.-[Edited 03/04/2019 by RLJ] (MMP) [Entered: 02/21/2019 04:02 PM]

03/11/2019

- 12 MOTION filed by Ms. Natalie Michele Stevens for United Airlines, Inc. to strike appendix. Certificate of Service: 03/11/2019. [18-4251] (NMS) [Entered: 03/11/2019 03:57 PM]

03/11/2019

- 13 APPELLEE BRIEF filed by Ms. Natalie Michele Stevens for United Airlines, Inc. Certificate of Service: 03/11/2019. Argument Request: not requested. [18-4251] (NMS) [Entered: 03/11/2019 04:01 PM]

03/22/2019

- 14 REPLY BRIEF filed by Party Ms. Christina Alessio Certificate of Service: 03/21/2019. (MMP) [Entered: 03/22/2019 12:04 PM]

06/24/2019

- 15 ORDER filed: We AFFIRM the district court's judgment and DENY the motion to strike Alessio's appendices from the record as moot [12]. Richard F. Suhrheinrich, Circuit Judge and Helene N. White, Circuit Judge. (MMP) [Entered: 06/24/2019 04:09 PM]

07/16/2019

- 16 MANDATE ISSUED with no costs taxed. (MMP) [Entered: 07/16/2019 02:24 PM]

UNITED STATES DISTRICT COURT OF
NORTHERN DISTRICT OF OHIO
DOCKET DETAILS

U.S. District Court
Northern District of Ohio (Akron)
CIVIL DOCKET FOR CASE #: 5:17-cv-01426-SL
Internal Use Only

Alessio v. United Airlines, Inc. et al
Assigned to: Judge Sara Lioi
Date Filed: 07/07/2017
Date Terminated: 11/20/2018

Plaintiff

Christina Alessio

Represented by

Christina Alessio
#589
1970 N. Cleveland-Massillon Rd.
Bath, OH 44210
PRO SE

07/07/2017

- 1 **Complaint** against all Defendants. Filing fee paid, \$400.00, receipt # 54660006281, filed by Christina Alessio. (Attachments: # 1 Civil Cover Sheet, # 2 Index, # 3 Exhibit B-Book-“America the Jury”, # 4 Exhibit C-DVD, # 5 Exhibit D-EEOC Letters, # 6 Exhibit E-

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Emails, # 7 Exhibit F-Letters, # 8 Exhibit G-Work Injury Claims, # 9 Exhibit H-Irregular Operations Reports, # 10 Health & Wages Overview). DVD and complete book on file in Clerk's Office. (M,TL) (Entered: 07/07/2017)

07/7/2017

Judge Sara Lioi assigned to case. (M,TL) (Entered: 07/07/2017)

07/07/2017

Random Assignment of Magistrate Judge pursuant to Local Rule 3.1. In the event of a referral, case will be assigned to Magistrate Judge Kathleen B. Burke. (M,TL) (Entered: 07/07/2017)

07/7/2017

2 Original Summons and Magistrate Consent Form issued to plaintiff at counter for service upon Janie DeVito, Brett Hart, Scott Kirby, Robert Milton, Oscar Munoz, Kim Piszczek, Sam Risoli, Mary Sturchio, United Airlines, Inc. (M,TL) (Entered: 07/07/2017)

07/10/2017

Service by Clerk. Summons and Complaint addressed to Janie DeVito (receipt #7015 1520 0001 5320 4833), Brett Hart (receipt #7015 1520 0001 5320 4956), Scott Kirby (receipt #7015 1520 0001 5320 4963), Robert Milton (receipt #7015 1520 0001 5320 4857), Oscar Munoz (receipt #7015 1520 0001 5320 4970), Kim Piszczek (receipt #7015 1520 0001 5320 4932), Sam Risoli (receipt #7015 1520

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0001 5320 4949), Mary Sturchio (receipt #7015 1520 0001 5320 4840), United Airlines, Inc. (receipt #7015 1520 0001 5320 5007) placed in U.S. Mail. Type of service: certified mail. (M,TL) (Entered: 07/10/2017)

07/10/2017

Copy of Notice of Electronic Filing of Service by Clerk mailed to Christina Alessio, #589, 1970 N. Cleveland-Massillon Rd., Bath, OH 44210 on 07/10/2017. (M,TL) (Entered: 07/10/2017)

07/17/2017

3 Return of Service by Clerk by certified mail executed upon Janie DeVito on 7/12/2017; Kim Piszczek on 7/12/2017, filed on behalf of Christina Alessio. Related document(s) 2. (D,JJ) (Entered: 07/17/2017)

07/17/2017

Copy of 3 Return of Service Executed mailed to Christina Alessio, #589, 1970 N. Cleveland-Massillon Rd., Bath, OH 44210 on 7/17/2017. Related document(s) 3. (D,JJ) (Entered: 07/17/2017)

07/20/2017

4 Return of Service by Clerk by certified mail executed upon Mary Sturchio on 7/12/2017, filed on behalf of Christina Alessio. Related document(s) 2. (D,JJ) (Entered: 07/20/2017)

07/20/2017

5 Return of Service by Clerk by certified mail executed upon Brett Hart on 7/13/2017;

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Robert Milton on 7/13/2017; and Oscar Munoz on 7/13/2017, no delivery date on green cards, dates obtained from U.S. Postal Service website, filed on behalf of Christina Alessio. Related document(s) 2. (D,JJ) (Entered: 07/20/2017)

07/20/2017

Copy of 5 Return of Service Executed, and 4 Return of Service Executed mailed to Christina Alessio, #589, 1970 N. Cleveland-Massillon Rd., Bath, OH 44210 on 7/20/2017. (D,JJ) (Entered: 07/20/2017)

07/21/2017

6 Return of Service by Clerk by certified mail executed upon Sam Risoli on 7/13/2017; United Airlines, Inc. on 7/13/2017, no delivery date on green card, date obtained from U.S. Postal Service website, filed on behalf of Christina Alessio. Related document(s) 2. (D,JJ) (Entered: 07/21/2017)

07/21/2017

Copy of 6 Return of Service Executed, mailed to Christina Alessio, #589, 1970 N. Cleveland-Massillon Rd., Bath, OH 44210 on 7/21/2017. (D,JJ) (Entered: 07/21/2017)

07/28/2017

7 Return of Service by Clerk by certified mail executed upon Scott Kirby on 7/18/2017, filed on behalf of Christina Alessio. Related document(s) 2. (D,JJ) (Entered: 07/28/2017)

07/28/2017

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Copy of 7 Return of Service Executed mailed to Christina Alessio, #589, 1970 N. Cleveland-Massillon Rd., Bath, OH 44210 on 7/28/2017. Related document(s) 7. (D,JJ) (Entered: 07/28/2017)

08/02/2017

8 **Motion** to Dismiss Complaint for Failure to State a Claim or, in the Alternative, **Motion** for More Definite Statement filed by Janie DeVito, Brett Hart, Scott Kirby, Robert Milton, Oscar Munoz, Kim Piszczek, Sam Risoli, Mary Sturchio, United Airlines, Inc. Related document(s) 1. (Stevens, Natalie). Modified to add motion part (motion for more definite statement) on 8/4/2017 (T,Je). (Entered: 08/02/2017)

08/07/2017

9 **Initial Standing Order**. Judge Sara Lioi on 8/7/2017. (P,J) (Entered: 08/07/2017)

08/07/2017

Copy of 9 Initial Order mailed to Christina Alessio, #589, 1970 N. Cleveland-Massillon Rd., Bath, OH 44210 on 8/7/2017. (P,J) (Entered: 08/07/2017)

08/15/2017

10 **Opposition** to 8 **Motion** to Dismiss Complaint for Failure to State a Claim or, in the Alternative, **Motion** for More Definite Statement filed by Christina Alessio. (D,JJ) (Entered: 08/15/2017)

08/21/2017

- 11 **Stricken** 11/15/2017: Supplement to 1 Complaint, Attachment # 5, Exhibit D-EEOC Letters, filed by Christina Alessio. (Attachments: # 1 Letter to Equal Employment Opportunity Commission). (D,JJ) (Entered: 08/21/2017)

08/28/2017

- 12 **Reply** in support of 8 **Motion** to Dismiss Complaint for Failure to State a Claim or, in the Alternative, **Motion** for More Definite Statement filed by All Defendants. (Stevens, Natalie) (Entered: 08/28/2017)

08/28/2017

- 13 **Motion** to strike *Extraneous Material from the Record* filed by Defendant United Airlines, Inc.. (Stevens, Natalie) (Entered: 08/28/2017)

08/29/2017

- 14 **Stricken** 11/15/2017: Plaintiff Respectfully Submitting (1) Short List of 79 Irregular Operation Reports Since 2014, including Defendants' Validation and Answers to Reports (Reference Complaint 07/07/17: Exhibit H) (2) Respectful Response to Answer. Related Doc(s) 1, filed by Christina Alessio. (Attachments: # 1 Irregular Operation Reports). Modified text and regenerated electronic notification on 8/30/2017 (D,JJ). (Entered: 08/30/2017)

09/05/2017

- 15 **Motion** to strike *Additional Extraneous Material From the Record* filed by Defendant United Airlines, Inc.. (Stevens, Natalie) (Entered: 09/05/2017)

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09/14/2017

- 16 **Stricken** 11/15/2017: Plaintiff respectfully submitting Equal Employment Opportunity Commission's response to Appeal Letter requesting redacted FOIA Information filed by Christina Alessio. (Attachments: # 1 Letter from U.S. Equal Employment Opportunity Commission dated August 29, 2017). (D,JJ) (Entered: 09/14/2017)

09/18/2017

- 17 **Stricken** 11/15/2017: Plaintiff respectfully submitting (1) Email correspondence letter of concern, with former President's letter of response; (2) OSHA's written communication letter with email correspondence; and (3) respectfully requesting my correspondence letter with our present President, from OSHA, awaiting the letter from OSHA to respectfully submit filed by Christina Alessio. (Attachments: # 1 Correspondence dated July 12, 2016, # 2 Correspondence dated February 2, 2016, # 3 Correspondence dated August 17, 2017). (D,JJ) (Entered: 09/18/2017)

09/22/2017

- 18 **Motion** to strike *Additional Extraneous Material from the Record and for an Order Directing Plaintiff to Refrain from Further Filing of Extraneous Material* filed by Defendant United Airlines, Inc.. Related document(s) 11, 17, 14, 16. (Huffman, Heather) (Entered: 09/22/2017)

09/26/2017

19 **Stricken** 11/15/2017: Plaintiff respectfully submitting (1) Equal Employment Opportunity Commission's response letter regarding the Freedom of Information Act Appeal for Redacted Information, extended due to unusual circumstances till October 6, 2017; (2) Occupational Safety and Health Administration's Copy of Plaintiff's Correspondence Letter written for our Honored Present President; (3) Irregular Operations Report dated September 22, 2017; and(4) Emails requesting a Hard copy of my personal and medical files with defendant. Request denied, instead both files were sent to parties responding to complaint, filed by Christina Alessio. (Attachments: # 1 Letter from U.S. Equal Employment Opportunity Commission dated September 20, 2017, # 2 Correspondence from Plaintiff dated April 20, 2017, # 3 Irregular Operations Report dated September 23, 2017, # 4 Email exchange dated September 25, 2017). (D,JJ) (Entered: 09/26/2017)

10/17/2017

20 **Stricken** 11/15/2017: Plaintiff respectfully submitting Equal Employment Opportunity Commission's response letter regarding my freedom of information act appeal for redacted and withheld information in my EEOC Administrative files, is dated October 6, 2017, and again, denied. Respectfully, is this obstruction of Justice, seeking the truth, the whole truth and nothing but the truth? With respect, I believe a total of 12 pages are being

withheld as to the matter and transparency of my case, filed by Christina Alessio. (Attachments: # 1 Letter from U.S. Equal Employment Opportunity Commission dated October 6, 2017). (D,JJ) (Entered: 10/17/2017)

10/25/2017

21 **Stricken** 11/15/2017: Exhibits filed by Christina Alessio. (Attachments: # 1 Letter from defense counsel regarding medical and personal files, # 2 Response to defense counsel regarding missing information in medical file, # 3 Manually filed CD containing medical information, # 4 Manually filed original USB drive containing past work injury claims (and CD containing copy of same)). *2 CDs and USB placed in file in Clerk's Office.* (S,HR) (Entered: 10/25/2017)

11/03/2017

22 **Stricken** 11/15/2017: Notice: Plaintiff respectfully submitting 1.) Respectful emails to my inflight management, requesting a copy of my entire personal file, beginning with date of hire 8/13/1998. As per my union: the Association of Flight Attendants, I believe flight attendants are entitled to a copy of their personal file. A first respectful request was made for information in my personal file before complaint filed 7/7/2017. In specific, 2/24/2016, CPR work injury emails, respectfully requesting my entire personal file, for complete transparency to the matters of my case, filed by Christina Alessio. (Attachments:

1 Email exchanges). (D,JJ) (Entered: 11/03/2017)

11/13/2017

23 **Stricken:** See Order on 2/15/2018-Notice: Plaintiff respectfully submitting: 1.) Respectful phone call made November 13, 2017, with an inquiry to Akron, Ohio Industrial Commission, for the Aircraft Cabin Cleaning and Air Freshening Products/Work Injury Claims: #15-859117, #15-863145 and #15-863147. Date of Injuries: 11/27, 11/28, and 12/20/2015. Respectfully requesting work injuries be heard at the district level, within the 2 year statutory time frame. Respectfully, a request will be made for the hearing to be court reported and of public record, for insight, clarity and understanding. Respectfully, there are still products presently with non-disclosure of ingredients in air fresheners/safety health hazard rating level on product label, being used inside the aircraft cabin, filed by Christina Alessio. (D,JJ) Modified text to mark stricken on 3/2/2018 (T,Je). (Entered: 11/13/2017)

11/15/2017

24 **Motion** to strike *Additional Extraneous Material From the Record and for an Order Directing Plaintiff to Refrain From Further Filing of Extraneous Material* filed by Defendant United Airlines, Inc.. (Huffman, Heather) (Entered: 11/15/2017)

11/15/2017

25 **Order:** The Court has reviewed plaintiff's extraneous filings, and finds that they do not represent proper responses to defendants' motion to dismiss. (Doc. No. 8) Further, the Court notes that plaintiff has filed a timely response to defendants' dispositive motion, and briefing on that motion is now closed. Defendant United Airline's motions (Doc. Nos. 13, 15, and 18) to strike Doc. Nos. 11, 14, 16, and 17 are granted. For the same reasons, the Court sua sponte strikes Doc. Nos. 19, 20, 21, and 22. The Court shall rule on defendants' motion to dismiss in due course. Should the Court require additional briefing or other material from the parties, it will request it. In the event that any portion of plaintiff's case survives the motion to dismiss, the Court will schedule this matter for a case management conference. In the interim, plaintiff is directed to cease filing further extraneous matters on the docket without leave of Court and is warned that failure to follow this directive may result in sanctions up to and including dismissal of this action. Judge Sara Lioi on 11/15/2017.(P,J) (Entered: 11/15/2017)

11/15/2017

Copy of 25 Order mailed on 11/15/2017 to: Christina Alessio, #589, 1970 N. Cleveland-Massillon Rd., Bath, OH 44210. (P,J) (Entered: 11/15/2017)

02/15/2017

26 **Memorandum Opinion And Order:** The Court finds that the filings referenced by United in its motion to strike (Doc. No. 24) do not represent proper responses to defendants' dispositive motion. Accordingly, and to the extent that Alessio's extraneous filings have not been already stricken from the docket by the Court's November 15, 2017 order, the Court grants United's motion to strike. For all of the foregoing reasons, defendants' motion to dismiss (Doc. No. 8) is granted. Because the Court has found that Alessio's complaint fails to state a cause of action for a failure to accommodate, but has elected to permit Alessio to amend her complaint, the Court denies defendants' alternative motion for a more definite statement. Alessio's claims for a violation of 49 U.S.C. Section 5124, age discrimination, and retaliation, as well as any and all claims against the individual defendants, are dismissed with prejudice. Alessio's claim for failure to accommodate a disability under the Americans with Disabilities Act against United is also dismissed, with leave to amend. Alessio is afforded 30 days from the date of this memorandum opinion and order in which to file an amended complaint raising a claim against United for failure to accommodate a disability under the Americans with Disabilities Act. Should Alessio fail to timely file a fully compliant amended complaint within 30 days of this ruling, the Court will enter judgment in

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United's favor as to the Americans with Disabilities Act claim as well, and close this case. Judge Sara Lioi on 2/15/2018. (P,J) (Entered: 02/15/2018)

02/15/2017

Copy of 26 Memorandum Opinion and Order mailed on 2/15/2018 to: Christina Alessio, #589, 1970 N. Cleveland-Massillon Rd., Bath, OH 44210. (P,J) (Entered: 02/15/2018)

03/09/2018

27 **Amended Complaint** against United Airlines, Inc., filed by Christina Alessio. (D,JJ) (Entered: 03/12/2018)

03/26/2018

28 **Motion** to dismiss plaintiff's amended complaint for failure to state a claim, with memorandum in support, filed by Defendant United Airlines, Inc. Related document(s) 27. (Huffman, Heather) (Entered: 03/26/2018)

08/28/2018

29 **Motion** for leave to file 3 public court report documents filed by Plaintiff Christina Alessio. (O,K) (Entered: 08/29/2018)

08/31/2018

30 **Opposition** to 29 **Motion** for leave to file 3 public court report documents filed by United Airlines, Inc. (Huffman, Heather) (Entered: 08/31/2018)

09/05/2018

Order [non-document]: Plaintiff has sought leave to file records that she represents involved hearings before the Ohio Industrial Commission that occurred after the filing of this present federal action. (Doc. No. 29.) The motion is denied. On March 29, 2018, defendants filed a renewed motion to dismiss (Doc. No. 28) and briefing on that motion is now closed. The Court will issue a ruling on defendants' motion in due course. Judge Sara Lioi on 9/5/2018.(P,J) (Entered: 09/05/2018)

09/06/2018

Copy of Notice of Electronic Filing from 9/5/2018 Non-Document Order mailed on 9/6/2018 to: Christina Alessio, #589, 1970 N. Cleveland-Massillon Rd., Bath, OH 44210. (P,J) (Entered: 09/06/2018)

11/20/2018

31 **Memorandum Opinion And Order:** Defendant United's motion to dismiss the first amended complaint (Doc. No. 28) is granted. This case is closed. Judge Sara Lioi on 11/20/2018. (P,J) (Entered: 11/20/2018)

11/20/2018

32 **Judgment Entry:** For the reasons set forth in the contemporaneously filed Memorandum Opinion, the motion of defendant United Airlines, Inc. to dismiss the amended complaint of plaintiff Christina Alessio (Doc. No. 28) is granted. This case is closed. (Related Doc. No.

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31). Judge Sara Lioi on 11/20/2018. (P,J) (Entered: 11/20/2018)

11/21/2018

Copy of 32 Judgment, 31 Memorandum Opinion and Order mailed to Christina Alessio at #589, 1970 N. Cleveland-Massillon Rd., Bath, OH 44210 on 11/21/2018. (T,Je) (Entered: 11/21/2018)

12/07/2018

33 **Motion** for permission for leave of court to re-open case for clarification filed by Plaintiff Christina Alessio. (O,K) (Entered: 12/07/2018)

12/11/2018

34 **Opposition** to 33 **Motion** for leave to *Re-Open Case for Clarification* filed by United Airlines, Inc.. (Stevens, Natalie) (Entered: 12/11/2018)

12/12/2018

Order [non-document]: The Court construes plaintiff's pro se filing (Doc. No. 33) as a request for reconsideration of its decisions dismissing plaintiff's complaint and first amended complaint. For all of the reasons set forth in its memorandum opinions, the motion is denied. (See Doc. Nos. 26, 32; see also Doc. No. 25.) Judge Sara Lioi on 12/12/2018.(P,J) (Entered: 12/12/2018)

12/12/2018

Copy of Notice of Electronic Filing from 12/12/2018 Non-Document Order mailed on 12/12/2018 to: Christina Alessio, #589, 1970 N.

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Cleveland-Massillon Rd., Bath, OH 44210.
(P,J) (Entered: 12/12/2018)

12/18/2018

35 NOTICE OF APPEAL to the Sixth Circuit Court of Appeals from the Order (non-document) of 12/12/2018, filed by Christina Alessio. Filing fee paid 12/19/18, receipt# 54660006-853. (Attachments: # 1 Exhibit D EEOC Dismissal and Notice of Rights) (O,K) (Entered: 12/18/2018)

12/19/2018

USCA Appeal Fees received \$505.00, receipt number 54660006853 regarding 35 Notice of Appeal. (M,TL) (Entered: 12/19/2018)

12/26/2018

Acknowledgment from the USCA for Sixth Circuit of receipt of 35 Notice of Appeal (USCA# 18-4251). Date filed in USCA 12/21/18. (H,SP) (Entered: 12/26/2018)

07/18/2019

37 True copy of mandate from the USCA for the Sixth Circuit: Affirming the District Court's judgment re 35 Notice of Appeal (USCA# 18-4251). Date issued as mandate 7/16/19, Costs: None (H,SP) (Entered: 07/18/2019)

PLAINTIFF FILING, NOTICE OF APPEAL
(DECEMBER 18, 2018)

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO

CHRISTINA ALESSIO,

Plaintiff, pro se,

v.

UNITED AIRLINES, INC.,

Defendant.

Case No. 5:17-cv-01426

Notice is hereby given that Christina Alessio (pro se), hereby respectfully appeal to the United States Court of Appeals for the Sixth Circuit from the final judgement, **Order dated 12/12/2018.**

With respect, the U.S. Equal Employment Opportunity Commission closed its file April 18, 2017, and issued a "Notice of Rights" letter, unable to verify and certify that my Employer is in compliance with the statues.

With respect, the Federal Court ruled for the defendant on the bases of ADA, however, has not verified nor certified that my Employer is compliant with the statues. With respect to this case, I believe a certification of compliance is required that my Employer is following the Rule of Law.

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With respect to my appeal I must then therefore ask, is my Employer 100% in compliance with Federal Law 49 U.S. Code 5124, using chemical air-fresheners and other chemical products inside the aircraft cabin?

Respectfully entered on this day, December 18, 2018.

/s/ Christina Alessio

Christina Alessio
Cleveland-Massillon Rd. #589
Bath, Ohio 44210

CERTIFICATE OF SERVICE

I do hereby certify, on this day of December 18, 2018, a copy of my *Notice of Appeal*, has been faxed to 216-357-4733. This fax number is to my Employer's Legal Representatives, Ms. Heather Huffman and Ms. Natalie Stevens.

Sincerely,

/s/ Christina Alessio

Christina Alessio
Plaintiff, pro se

**PLAINTIFF FILING, AMENDED COMPLAINT
(MARCH 9, 2018)**

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

CHRISTINA ALESSIO,

Plaintiff,

v.

UNITED AIRLINES,

Defendant.

Case No. 5:17-cv-01426

Before: Sara LIOI, Judge,
Kathleen B. BURKE, Magistrate Judge.

Plaintiff Respectfully submitting:

- 1) Respectful Amended Complaint to state a cause of action with respect to health, safety and security, that in fact chemical substances are used for "air-fresheners" and "cleaning" products, inside the aircraft cabin.
- 2) Failure to accommodate a disability, with respect to Americans with Disabilities Act. With respect, the injury/illness (disability) effects not only Americans, but the global air traveling public, inside the aircraft cabin.

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- 3) Respectful remedy for airline accommodation relief: safe and transparent products with the utmost respect to "air-traveler's" health and safety, products used to clean and air-freshen the aircraft cabin should be made transparent, no secrets, with complete list of ingredients made available for a better air quality environment, so to avoid any and all injury/illness.

/s/ Christina Alessio

Christina Alessio

1970 N. Cleveland-Massillon Rd. #589

Bath, Ohio 44210

**RESPECTFUL AMENDED COMPLAINT
(MARCH 9, 2018)**

INTRODUCTION:

Respectfully, I am complying to respond with HONORABLE UNITED STATES DISTRICT JUDGE SARA LIOI and the MEMORANDUM OPINION AND ORDER, dated February 15, 2018.

YOUR HONOR AND WITH RESPECT, please accept my written amended complaint.

Respectfully, I am a Flight Attendant with a sincere duty and obligation to ensure a safe and comfortable environment in the Aircraft Cabin, for the Global Air Traveling Public. With great respect, I am not only required by my Employer to communicate safety, but encouraged to keep people safe by communicating with our United States Government: "See Something. Say Something".

Respectfully, as an American Citizen who loves this Great Country, I truly believe in our United States Constitution: To Protect the People. With great respect, this includes the Health and Welfare, Safety and Security of the People, who are inflight within our Global Air Traveling Public. With respect, Aircraft Cabin Air Quality does matter.

Respectfully, on April 18, 2017, I received a "Notice of Rights" letter from the EEOC. The EEOC stated in the letter that they could not certify that my Employer was in compliance with the statues. This is why on July 7, 2017, I respectfully filed with the Federal Court. Respectfully, to receive confirmation,

verification and certification that infact my Employer is 100 percent in compliance with the statues.

YOUR HONOR AND WITH RESPECT, I believe **MEMORANDUM OPINION AND ORDER**, states and I quote in part, "Alessio's claims for a violation of 49 U.S.C. Section 5124, age discrimination, and retaliation, as well as any and all claims against the individual defendants, are dismissed with prejudice."

YOUR HONOR AND WITH RESPECT, please allow me to apologize. Apologize with respect, that I am not an Attorney. And with respect, that I am a Flight Attendant.

I greatly respect your opinions and decisions, however, I would respectfully like to appeal if that is an option. Respectfully, if the Rule of Law does not allow the ability to appeal, I will respectfully concur.

Respectfully, I must say however that I am still unclear if my Employer is 100 percent in compliance with the statues. Respectfully and due to this uncertainty, I have reached out to further Government Agencies for clarification of my Employers certification and compliance with the statues.

Honorable Leaders of the United States of America

- Honorable Attorney General, Mr. Jeff Sessions
- Honorable Director of the Federal Bureau of Investigation, Mr. Christopher Wray
- Honorable Administrator of the Environmental Protection Agency, Mr. Scott Pruitt
- Honorable Secretary of Transportation, Ms. Elaine Chao

- Honorable Secretary of Health and Human Services,
Mr. Alex Azar

A respectful notarized letter was addressed to our Honorable Leaders, requesting assistance, searching for answers.

Respectfully, I would like to provide for you the letter which I wrote to our most Honorable Leaders of the United States of America, as well as further evidence including a Public Court Report, of which I was under oath and testified on January 30, 2018. Respectfully, I do believe I need your permission to submit further evidence. I am willing to be 100 percent transparent, if you will allow me.

RESPECTFUL AMENDED COMPLAINT

YOUR HONOR AND WITH RESPECT, I would like to begin my amended complaint with the focus on a **SET of FACTS, which will include DEFINITIONS and RULE of LAW.**

Respectfully, I am relying on **FACTS, DEFINITIONS and RULE of LAW** for fairness, righteousness and justice. Respectfully, I will also give my respectful opinion, thereafter for thoughtful review.

YOUR HONOR AND WITH RESPECT TO THE MEMORANDUM OPINION AND ORDER, I believe on page one, it states and I quote in part:

“Alessio is granted leave to amend her complaint to state a cause of action against United for a failure to accommodate a disability.”

RESPECTFUL FACTS, DEFINITIONS and RULE of LAW:

1. FACT: Definition of the word "disability":

Disability is a condition such as an injury/illness that damages or limits a person's physical/mental abilities.

Disability is the condition of being unable to do things in a normal way.

2. FACT: Definition of Americans With Disabilities Act "ADA": Legislation that was passed in 1990 which prohibits discrimination against people with disabilities. With respect as I understand, under ADA, discrimination against disabled people is illegal in employment, transportation, public accommodations, communications and government activities.

YOUR HONOR AND WITH RESPECT, Chemical Substance air fresheners and Chemical substance cleaning products used in the Aircraft cabin, is a direct and potential result to the definition of "disability". Respectfully, is it possible for Crew Members and Customers being forced to breathe the Cabin air of Chemical Substances used in the Aircraft Cabin, with respect, communicate this as Chemical Substance Abuse?

Respectfully, could the Chemical Substance practice used in the Aircraft Cabin also be communicated as a form of Human Traffic, with Air Traveler's being subjected to exposure and inhalation of Chemical Substances to which can cause injury/illness (a disability), hurtful and harmful to peoples Health and Safety?

Respectfully, I believe this is a National Security lack of concern. With respect, not just the lack of concern to protect Americans from Air Travel injury/illness (a disability), but respectfully, the lack of concern for the Whole Global Air Traveling Public. The Global Air Traveling Public deserves accommodation in transportation with 100 transparency to safe products for air freshening and cleaning the Aircraft cabin.

Respectfully, I believe this is about: Product Liability and Accountability with the request and need for Transparency. With respect, the request and need for a better Aircraft Cabin Air Quality environment to avoid any and all injury/illness.

Respectfully, I believe this is about: "Chemical Substance Use/withheld ingredients: Aircraft Cabin Air" vs. "Clean/Transparent: Aircraft Cabin Air-Quality".

3. FACT: To state a cause of action against United-

Respectfully, I believe a cause of action against United is to state that in fact there is use and "carriage of hazardous materials", conducted inside the Aircraft Cabin. Chemical Substance air fresheners and Chemical Substance cleaning products.

4. FACT: For a failure to accommodate a disability-

Respectfully, I believe for a failure to accommodate a "disability" is the fact that the "ability" for Crew Members and Customers, to follow the first aid protocol from the Employer's Use of Chemical Substances in the Aircraft cabin, is Not an option.

YOUR HONOR, the "disability" develops, because of the "inability" to follow safety protocol communicated in the Chemical Substance air fresheners and Chemical Substance cleaning product, Material Safety

Data Sheets. With respect and for the record, the Chemical Substance ingredients to the Aircraft Cabin “air fresheners” state: Not applicable.?

YOUR HONOR AND WITH RESPECT, I believe the inability to follow first aid protocol to the Chemical Substance products, used inside the Aircraft Cabin, is a pure violation of our human rights, civil rights and with great respect to my Employer, gross negligence on behalf of the Health and Welfare, Safety and Security of the Whole Global Air Traveling Public. With respect, the injury/illness (a disability) effects not only Americans, but the Whole Global Air Traveling Public. Respectfully, I believe this should raise concern for the need of an accommodation with respect to the Whole Global Air Traveling Public being subjected to Chemical Substance Aircraft Cabin Air. Respectfully, Aircraft Cabin Air Quality *does* matter, it should be made 100 percent safe and transparent.

5. FACT: Opposition Research began in 2014, when United Flight Attendants were required to acknowledge a “**Hazard Communication Module**”, or were unqualified to fly. With respect, this included the **Chemical Substance** Products used for “air freshening” the aircraft cabin.

YOUR HONOR AND WITH RESPECT, I believe having a Hazard Communication Module regarding Chemical Substances used in the Aircraft Cabin is a pure violation of the Rule of Law.

6. FACT: Federal Law states and I quote in part, “Federal law forbids the carriage of hazardous materials aboard aircraft in your luggage or on your person. A violation can result in 5 years imprisonment and penalties of \$250,000 or more (49 U.S.C 5124),

Hazardous materials include", and I further quote in part, "poisons".

YOUR HONOR AND WITH RESPECT, I believe my Employers use and carriage, of hazardous material Chemical Substance air fresheners and Chemical Substance cleaning products aboard the aircraft is a pure violation of Federal law, posing potential harm to Crew Members and Customers.

7. FACT: Definition of the word "poison";

Poison is a substance that can cause harm or injury to people.

YOUR HONOR AND WITH RESPECT, I believe there is a potential to cause harm, injury or illness (a disability) to Crew Members and Customers with the Employers use of Aircraft Cabin Chemical Substances.

Respectfully, Chemical Substances are poison.

With respect, breathing in Chemical Substances inside the Aircraft Cabin environment, I believe is unlawful, extreme carelessness and not normal for the Health and Welfare, Safety and Security of all Crew Members and Customers. Respectfully, Crew Members and Customers simple normal inhalation (breathing) inflight with the Chemical Substances inside the Aircraft Cabin, go into their bodily system with every breath, and unfairly poses injury/illness (a disability) and is harmful, hurting to the Global Air Traveling Public's Health, Welfare, Safety and Security.

8. FACT: Material Safety Data Sheet information on the Chemical Substance products for the Aircraft Cabin are communicated, in my Public Court Report Hearing dated, January 30, 2018. With respect, it is a simple fact, that the first aid protocol is not an option,

which unfairly can cause the action of unnecessary injury/illness (a disability).

YOUR HONOR AND WITH RESPECT, may I have your permission to respectfully submit to the Federal Court, my Public Report Record dated January 30, 2018?

9. FACT: UNITED STATES CONSTITUTION: TO PROTECT THE PEOPLE

IN CONCLUSION:

The Summary of Facts, Definitions and Rule of law:

1. Definition of "disability"
2. Definition of American's with Disabilities Act (ADA)
3. Amended Complaint to state a cause of action
4. Amended Complaint for failure to accommodate a disability
5. Hazard Communication Module—Regarding Aircraft Cabin Chemical Substance Products
6. Federal Law 49 U.S.C. 5124
7. Definition of "poison"
8. Material Safety Data Sheets—First Aid protocol, not an option
9. U.S. CONSTITUTION: To Protect the People

RESOLUTION AND REMEDY FOR RELIEF:

YOUR HONOR AND WITH RESPECT, I believe in the U.S. Constitution: To protect the People.

YOUR HONOR AND WITH RESPECT, I believe in a sincere remedy for relief.

1. Respectfully, 100 percent Transparency with Certification and Compliance to the Rule of Law with all Aircraft Cabin air freshening and cleaning products.
2. With respect, products to be made safe, transparent and public, for our National Security.
3. With respect, products to be made safe, transparent and public for the Health, Welfare and Safety for the Whole Global Air Traveling Public.

IN CLOSING:

With respect, I believe in the United States of America.

With respect, I believe in the United States Constitution: To Protect the People.

With respect, I believe and trust our Government will do what is right: To Protect the People.

With respect, I believe and trust in GOD, the Father Almighty, creator of Heaven and Earth.

With respect, I believe in Faith, Hope and Love.

With respect, I believe with the dignity and respect the Whole Global Air Traveling Public deserves, that pure and simple, safe and transparent, Aircraft Cabin Air Quality products for a more pleasant flying experience across America and Around the World, will one day prevail.

This respectful letter was written with care, concern and kindness.

Thank you for your kind consideration.

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Sincerely,

/s/ Christina Alessio

Christina Alessio

Flight Attendant

Pro se

CERTIFICATE OF SERVICE

I do hereby certify that on March 9, 2018, the following respectful amended complaint was submitted and filed at the Federal Courthouse, United States District Court Northern District of Ohio, with the Clerk of Courts.

Respectfully, two copies were also served by Certified Mail on March 9, 2018, to the nine collective "Individual" Defendant's Attorneys:

Natalie M. Stevens (0079963)
Heather M. Huffman (0078362)
Ogletree, Deakins, Nash, Smoak & Stewart, P.C.
127 Public Square, Suite 4100
Cleveland, Ohio 44114

With respect and for reference, the list of nine "Individual Defendants" are as followed:

United Airlines, Inc.
Mr. Oscar Munoz
Mr. Scott Kirby
Mr. Robert Milton
Mr. Brett Hart
Mr. Sam Risoli

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Ms. Mary Sturchio
Ms. Janie DeVito
Ms. Kim Piszczek

Respectfully,

/s/ Christina Alessio
Christina Alessio
Plaintiff and Pro se

PLAINTIFF FILING, COMPLAINT
(JULY 7, 2017)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO

CHRISTINA ALESSIO,

Plaintiff,

v.

UNITED AIRLINES,

Defendant.

Case No. 5:17-cv-1426

Before: Sara LIOI, Judge.,
Kathleen B. BURKE, Magistrate Judge.

1. Name of the Party Address

United Airlines, Inc.
233 South Wacker Drive Chicago, IL 60606

- Mr. Oscar Munoz-CEO
- Mr. Scott Kirby-President
- Mr. Brett Hart-EVP Chief Administrator Officer and General Counsel
- Mr. Robert Milton-Chairman of the Board of Directors of United Continental Holdings
- Mr. Sam Risoli SVP Inflight Services

United Airlines, Inc.
Newark's Liberty International Airport
1 Terminal C EWRSW
Newark, New Jersey 07114

- Ms. Mary Sturchio—Sr. Manager
Human Resources and Employee Relations

United Airlines, Inc.
Cleveland Hopkins International Airport
5300 Riverside Drive Cleveland, Ohio 44135

- Ms. Janie DeVito—Sr. Inflight Manager
- Ms. Kim Piszczek—Inflight Supervisor

2. STATE the BASIS of the COURT'S JURISDICTION

- 49 U.S.C. § 5124

3. FACTS of the CASE

A. FEDERAL LAW

- 49 U.S.C. § 5124—Respectfully in part and in summary, Federal Law forbids the use of hazardous material onboard Commercial aircraft, including poisons.

Definition of poison: a substance that can cause harm and injury to people.

B. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

With respect and based upon the EEOC's investigation conclusion, the 2 discrimination charges are with my understanding that the EEOC could not certify that the Respondent is in compliance with the Statutes. Respectfully, I believe the matter is therefore, still unresolved.

As an American Citizen and a Commercial Airline Flight Attendant with duties, obligations and responsibilities to uphold, I therefore deem it necessary to respectfully submit and file a complaint with the Respondent for insight, clarity and understanding.

With respect and in specific, insight, clarity and understanding as to the Certification of the Respondent's Compliance with the Statues. Respectfully particularly to Federal Law, 49 U.S.C. 5124, in part and with specific definition thereof: poisons.

C. RESPONDENT

1. **2014 HAZARD COMMUNICATION MODULE** was required by all Flight Attendant's to acknowledge or not qualified to fly. Respectfully, this is in fact the matter and evidence I truly believe is not in Compliance with the Statues, and is in violation of Federal Law 49 U.S.C. § 5124, in part and with specific definition thereof: poisons.

Only Flight Attendants (Customers exempt), were required by the Respondent to acknowledge a Hazard Communication (HazCom) Module or were not qualified to fly. I truly believe our Customers are unaware and uninformed, don't know to know, that the chemical (poison) products being used to clean and air freshen inside the aircraft cabin, are with the inability to follow the recommended first aid procedures.

With respect, I truly believe our Global Air-Travelling Customers believe, that the United States Global Airline Carriers, are also required to follow Federal Law.

Respectfully, the Respondent's Hazard Communication Module to chemical (poison) cleaning and air

freshening products with no protective measures has resulted in unnecessary injury to a disability with no accommodation, age discrimination and ongoing continued retaliation and harassment. Respectfully, I have been following the Respondents Policy and Procedures Manual to the best of my ability with regards to "Safety is Top Priority", as well as what we have always been taught, "See something, Say something".

Respectfully I believe there is "there-there", for certain to be reviewed.

- The Law: There is a Federal Law: 49 U.S.C. § 5124. With respect, and in specific to poisons.
- The Fact: There is a Hazard Communication Module. With respect, and in specific to the Respondent's cleaning and air freshening products for the aircraft. Protective measures are not an option.

With respect, I believe the above, "there-there", is a conflict.

With respect, I believe there is need for review of certification confirmation in Compliance with the Statues, as well as the approval for such a Module when it conflicts with Federal Law. Respectfully, including sources and methods, ways and means for the reason behind the Respondent's use of such chemical (poison) cleaning and air freshening products. Please note also in part: Substances and Components are, "Not Applicable".

With respect, I truly believe the Respondent's Hazard Communication Module is a violation of Federal Law, but also a violation of our human rights to protective measures, as well as, our dignity and respect.

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Respectfully, every Customer and Crew Member partake in this very exact same environment. Article 5: An attack against one is an attack against all.

As an American Citizen to our Constitution, there is a duty to uphold:

- To Protect the People

As a Flight Attendant for a Commercial Airline, there is a duty to uphold:

- To ensure a Safe and Comfortable Environment

Respectfully, I believe the Hazard Communication Module to chemical (poison) cleaning and air freshening products used, at will onboard the aircraft, is simply wrong and harmful. I truly believe is goes against Federal Law 49 U.S.C. § 5124. Please, let's fix this.

With heart, it's never too late to do the right thing.

2. May 2nd and 4th, 2017—Current Events. With great respect, Lawmakers communicated with the Airline Industry on Capitol Hill, stating to improve service or Congress will step in.

Respectfully, I believe "service" includes the safety and welfare, dignity and respect to Customers too. The change for clean air-quality standards was not mentioned.

Respectfully, I believe the Hazard Communication Module to chemical (poison) cleaning and air freshening products used at will, inside the aircraft cabin (that every Customer and Crew Member breathes), was then and is now, most crucial and necessary for change.

Respectfully, this is about choice. The choice to use chemical (poison) cleaning and air freshening products

with no protective measures, for people to breathe onboard. With respect, resulting in unnecessary illness or injury.

With great respect to our Customers and Crew Member's, our health and well being should matter. Respectfully, we deserve pure, clean, transparent, non toxic aircraft cabin cleaning and air freshening products in this particular and unique environment, because our health matters.

3. Respondents "Contract of Carriage"—Respectfully I believe, the legal fine print governing Customers onboard the aircraft is not transparent to the Substances and Components of the aircraft cabin cleaning and air freshening products. In specific, the Hazard Communication Module required to acknowledge by all Inflight Employee Flight Attendant's, or were not qualified to fly.

4. WORKING TOGETHER GUIDELINES provided by the Respondent for Flight Attendant's to follow in our Policy and Procedures Manual. With respect and in specific, the information can be found in Chapter 6.

- **Responsibility**: In part, Flight Attendants are responsible to work safely and promptly report any concerns up the leadership chain until resolved.
- **Dignity and Respect**: In part, we work to achieve a workplace free of discrimination and harassment for any protected category under law, and to report concerns promptly until resolved.
- **Safety Policy**: In part, communicates that the safety, welfare and health of our Employees and Customers are very important. With respect the Respondent further states, that we all share in the

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responsibility of running a safe operation and maintaining a safe and healthful workplace.

- **Ethics and Compliance:** In part, the Ethics and compliance entails making business decisions, protecting our assets, complying with laws and policies, maintaining a commitment to deliver a clean, safe and reliable product, and treating each other with dignity and respect.
- **Equal Employment Opportunity Policy:** In part the Respondent states, we provide equal opportunity to all Employees and applicants without regard to any protected category under applicable law.
- **Reasonable Accommodation:** In part, Respondent provides equal employment opportunity for individuals, so they may perform safely the essential functions of their job.
- **Affirmative Action:** In part, Respondent states: As a federal contractor, we comply with the legal requirements.
- **Harassment and Discrimination:** In part the Respondent states, we expect Employees to treat each other with dignity and respect. The Respondent further states in part that, we are committed to providing a work environment free from offensive discrimination, with any protected category under applicable law.

Respectfully,

As an American citizen to our constitution, there is a duty to uphold:

- **To Protect the People**

As a Flight Attendant for a commercial Airline,
there is a duty to uphold:

To ensure a Safe and Comfortable Environment

MOTIONS TO FILE WITH COMPLAINT

With respect to my 2 dismissed EEOC charges and the EEOC's conclusion with my right to be heard in court, 1 would like to file 2 Motions with my Complaint, for Good Cause.

1. Motion for Discovery

Respectfully I would like to request, a Motion for Discovery for the HazCom Module and the Products. With respect, the Respondent's 2014 to date Hazard Communication Module for Flight Attendants acknowledgement, or not qualified to fly. I believe this to be the supporting evidence to the matter and my Complaint. With respect to the Hazcom Module, all products used for the aircraft cabin, including name of product, its use, and the material safety data sheet, is respectfully requested for discovery.

2. Motion to File Complaint Under Seal

Respectfully, I would like to request with my Complaint submission today, that any and all documents, today and/or in the future, from attorney, counsel or pro-se, plaintiff or defendant, whether filed electronically or manually, be kept under Document Seal, L.R., Rule 3.1.

May it please be known, I will remain open to and encourage, with the court's approval, the opportunity for Alternative Dispute Resolution (ADR), L.R., Rule 16.4.

THE RESPECTFUL RELIEF REQUEST:

1. FOR GOOD CAUSE

- **U.S. Global Commercial Aircraft Chemical (poison) Cleaning and Air Freshening Products:**

With respect, all products need to be certified and approved by the FAA and OSHA, as harmless, transparent, with no secrets. Respectfully, the complete list of ingredients is made available, including fragrance.

Respectfully, the Commercial Airline Industry will be required to update, out dated chemical (poison) products, used for cleaning and air freshening the aircraft cabin.

With great respect, this is about the dignity and respect to the Global Air-Traveling Public, following Federal Law, Safety, and the Healthcare and Well Being of Customers and Crew Members.

2. Income Wage Loss

Aircraft cabin air quality work injuries documented at the Ohio Industrial Commission, from the 2014 Hazard Communication chemical products, with no alternate protective measures provided by the Respondent. Exhibit: G.

3. Insult to Injury

With respect to Federal Law and referencing my 2 Equal Employment Opportunity Commission, discrimination charges. Exhibit: A.

- #532-2015-01733 Respectfully submitting The Particulars (6 pages)

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- #532-2017-00265 Respectfully submitting The Particulars (2 pages)

4. Heartless and unusual discipline

Resulting in unnecessary injury. Exhibits: B, C, G and H.

5. With Respect to Corporate and Management, please come fly with me.

/s/ Christina Alessio

Christina Alessio
1970 N. Cleveland-Massillon Rd. #589
Bath, Ohio 44210

CHARGE OF DISCRIMINATION
(JULY 20, 2015)

Charge Presented to: EEOC

Agency(ies) Charge No(s): 532-2015-01733

State or Local Agency, if any:

- Ohio Civil Rights Commission and EEOC

Name: Miss Christina Alessio

Date of Birth: 1960

Street Address:

1970 N. Cleveland Massillon Rd. #589,
Bath, OH 44210

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name: United Airlines (Based in Cleveland)

Street Address:

Cleveland Hopkins Airport,
Cleveland, OH 44135

No of Employees, Members: 283

Phone No: (216) 501-4087

Discrimination Based On:

- Retaliation
- Age
- Disability

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Date Discrimination Took Place:

- Earliest 03-06-2014
- Latest 07-15-2015

THE PARTICULARS ARE *(if additional paper is needed, attach extra sheet(s))*:

See attachments

Respectfully Submitting 6 Pages

I want this charge filed with both the EEOC and the State or Local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

/s/ Christina Alessio
Charging Party Signature

Date: 7-20-15

EEOC ATTACHMENT

CHARGE #532-2015-01733

THE PARTICULARS ARE:

- **DISABILITY/RETALIATION/AGE**
- 110 pages respectfully submitted to the EEOC, May 11, 2015
- 133 pages of emails respectfully submitted to the EEOC, July 7, 2015
- July, 2015: Number of Employees under the Respondent based in Cleveland, Ohio: 283
- I began my employment with the Respondent in August, 1998.
- I developed a medical Disability of Rheumatoid Arthritis in February, 2003.

With respect, I am fit for duty and qualified to perform my essential job functions with my Disability and have since 2003, when diagnosed with Rheumatoid Arthritis.

With respect, I am capable of performing my essential job functions. With respect, I am greater capable of performing much better and healthier, with the ability of working more hours in my work environment, when I'm not being forced to breathe the hazardous air fresheners onboard the aircraft in my work environment. With respect, first aid procedures on the aircraft are not an option in my work environment and protective measures are not provided by the Respondent. The Doctors were all in agreement with me sealing the air freshener as a reasonable

accommodation to my Disability. This seemed sensible to me too.

Respectfully, I was denied the permission from the Respondent to follow my Doctors recommendation to my Disability, March 2014 to November 4, 2014.

DISABILITY/RETALIATION:

With respect, I believe I have been discriminated because of my Disability and retaliated by the Respondent from March 6, 2014 to November 4, 2014.

With respect, I was specifically instructed and advised in a Mandatory meeting called by my Cleveland Inflight Manager, Janie DeVito, on March 6, 2014, not to remove the Air Freshener Disks in my work environment.

With respect, the Air Freshener Disks in my work environment are a rated a Health Hazard and aggravate my Disability.

Flight Fresh Deodorant Disk (Aircraft Air Freshener Disk): **Material Safety Data Sheet** states: Ingredients withheld/First Aid procedures: seek fresh air.

With respect, I asked Janie in the meeting how I was to protect my Disability from aggravation in my work environment to the Air Freshener Disks. With respect, Janie responded, "I don't know. You need to do your research, it needs to pass by Management and get approved by Corporate."

No (accommodations) protective measures to the Air Freshener Disks in my work environment for my medical Disability (to avoid injury) were given to me by my Inflight Manager, Janie DeVito.

I returned to work fit for duty on March 16, 2014, for the start of a 4 day trip. I followed my Managers direction and instructions and did not remove the Air Freshener Disks in my work environment. My Disability was becoming more and more aggravated to the Air Freshener Disks emitting in my work environment. March 17, 2014, I flew Fort Myers to Newark and went directly to the Airport Employee Health Clinic, where I was taken off my trip by the Health Clinic, due to severe aggravation and injury to my medical Disability.

On March 19, 2014, the Respondent sent a letter inviting me to participate in the Reasonable Accommodation Program. I graciously accepted.

With respect, I believe I have been discriminated because of my Disability and retaliated by the Respondent. I respectfully called a meeting with my Inflight Manager to review the research I was instructed to do on March 6, 2014. The meeting was held on July 18, 2014. Up to this date, I was denied the ability to follow my Doctors Recommendation to return to work safely. With respect, in this meeting I communicated to my Inflight Manager, Janie DeVito, "You are forcing me to breathe the Air Freshener Disks in my work environment.", Her response was, "I'm not forcing you to come to work." I then asked, "What happens when I get on the aircraft and the Air Freshener Disk is missing?" This was asked because sometimes for whatever reason the Air Freshener Disks on the aircraft were missing. With respect, Janie's response was, "Consider that your lucky day."

With respect, I believe I have been discriminated because of my Disability and retaliated by the Respondent. An email from my Inflight Manager,

Janie DeVito was sent to me on October 24, 2014. In the email she states, "The deodorant disks are a necessary item onboard the aircraft." With respect, this was not the communication I received in the meeting, July 18, 2014. With respect, the Air Freshener Disks were not an operational "no go" item on the aircraft. With respect, No accommodation was made to my Disability to return to work safely, from March 17, 2014 to November 4, 2014.

With respect, I believe I have been discriminated because of my Disability and retaliated by the Respondent. Respondent's Reasonable Accommodation Program continuously denied me from March 2014, to November, 2014, the permission to follow the Doctors Recommendation as a "Reasonable Accommodation", so I could return to work safely and quickly as possible. The Doctors Recommendation was to seal the Air Freshener Disk when in my work environment to protect my medical Disability from further aggravation (Doctors include: Rheumatologist, Allergist, Immunologist, Dermatologist, PCP and Occupational Medicine).

With respect, I believe I have been discriminated because of my Disability and retaliated by the Respondent. With respect, the Reasonable Accommodation Program Administrator, Jennifer Dziepak and my Inflight Manager, Janie DeVito, never allowed or gave me the permission to follow the Doctors Recommendation as a Reasonable Accommodation to my Disability, so I could return to work safely.

Due to an overwhelming financial burden by putting my Health first, I had no choice but to returned to work without an accommodation (protective meas-

ures) to the Air Freshener Disks in my work environment for my Disability. First Aid Procedures for the Air Freshener Disks on the Safety Data Sheet are not an option in my work environment, and no protective measures are provided by the Respondent. With respect, how is that allowed or fair to ones Health?

Without an accommodation, or the ability to follow my Doctors Recommendation (denied to sealing the Air Freshener in my work environment), I returned to work September 10, 2014. With respect, I was taken off working trips, by Airport Employee Health Clinics in September 2014, as well as in October, 2014, from substantial aggravation to my Disability from the Air Fresheners in my work environment.

I received an email from my Manager, Janie DeVito, on October 2, 2014. In her email she states a product change to the Air Freshener Disks. The removal process may take up to 30 days. The email communication was to prepared me for my next trip, but never gave me the permission to seal the Air Freshener Disks for a reasonable accommodation to my Disability, if still onboard. With respect, I was given no approval to remove the Air Freshener Disks in my work environment. Respectfully, I continued to report to work fit for duty, but then removed from my work environment by Airport Employee Health Clinics, due to injury caused from substantial aggravation by the Air Freshener Disks still onboard. Emails have been respectfully submitted, for the record.

With respect, I believe I have been discriminated because of my Disability and retaliated by the Respondent. October, 2014, the Respondent began removing the Air Freshener Disks from my work environment that aggravated my medical Disability. With respect,

I have requested backpay. The accommodation recommended by the Doctors for my Disability was made by the Respondent with a product change, after returning to work fit for duty and becoming re-injured and disabled to perform my essential job functions due to the Air Freshener Disks. With respect, I have been denied March 17, 2014 to November 4, 2014, backpay.

To Note: A further accommodation was also made after returning to work. On November 5, 2014, an email from the Respondent (page 96 of information respectfully submitted). I now have the permission to throw away the Air Freshener Disk, if ever present in my work environment. With respect, this was the simple protective measure I was requesting permission from my Manager on March 6, 2014, but was denied.

With respect, I believe I have been discriminated because of my Disability and retaliated by the Respondent. I should have never missed a day of work, March 6, 2014 to November 4, 2014. With respect to respecting my health, I am now financially burdened. With respect, I have requested back pay to my Supervisor, Kim Piszczek, in an email on May 4, 2015. With respect, I have been denied.

RETALIATION

With respect, I believe I have been retaliated against to 5 past denied work injury claims from products used in my work environment, providing no protective measures. Products used are for cleaning and air freshening my work environment. First Aid Procedures on the Safety Data Sheets to these products are with respect, not an option in my work

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environment. Respectfully, no alternate First Aid Procedures have been provided by the Respondent. With respect, how is this fair to ones Health?

#10-824071 5/19/10

#14-809315 2/15/14

#14-813103 3/02/14

#14-813107 3/17/14

#14-853863 9/19/14

With respect, I am a simple person. I love people and I love flying. I come to work fit for duty. My desire is to simply stay at work and make a simple living. With respect, I believe the cleaning and air freshening products used numerous times a day are inappropriate for the aircraft, due to the fact that First Aid procedures can not be followed, it is simply not an option in my work environment. With respect, is this fair? Because of this fact, I have been unnecessarily injured in my work environment. With respect, I have invited and offered the opportunity to show the Respondent my burden of proof, but I am denied. With respect, is this fair?

– With respect, I have invited the Respondent to come fly with me so I can show the injury that takes place from the product being used in my work environment. I am denied and refused. With respect why, is this fair? I am injured in my work environment.

– With respect, I requested the presence of my Manager at the Hearing. Respectfully, I also requested the suspect, Air Freshener Disks for burden of proof. I am denied and refused. With

respect why, is this fair? I am injured in my work environment.

– **With respect**, the Respondent requested an Independent Medical Examination. I was in full cooperation and respectfully requested the Respondent to provide the Air Freshener Disk at the Doctors office for an Ambient Exposure Challenge Test. I am denied and refused with a cancellation of the examination. With respect, why, is this fair? I am injured in my work environment.

– **With respect**, I have requested the Air Freshener Disks and the other cleaning products at the Meetings of July 18, 2014 and the most recent Mandatory Meeting July 7, 2015, for insight, clarity and understanding. Please let me show you. With respect, I am denied and refused. With respect, why, is this fair? I am injured in my work environment.

With respect, I believe I have been retaliated by my work injury claims.

With respect, I believe I have been retaliated by email responses from Respondent, or no responses from Respondent, to respectful emails I have sent, trying diligently to return to work safely and as quickly as possible.

With respect, I have submitted Emails for record of specific details of retaliation.

RETALIATION

With respect, I believe I have been retaliated by my Supervisor, Kim Piszczek. With respect, I have been subjected to a punitive work environment, since

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returning to work. In 17 years, I have never been put on a Verbal or Written Warning. After returning to work, I have been put on both warnings.

With respect, I have been issued a Verbal Warning for 12 months, given to me on February 11, 2015, by my Supervisor for solicitation in nature. I provided an email January 23, 2015, in the interest of Health and Safety, which shared an example of a non hazardous material product for comparison purposes, to the hazardous products used in my work environment with no protective measures provided by the Respondent. Respectfully, the retaliation discrimination here is where co-workers business cards are posted in the employee room at work and products have been sold at work in uniform with no disciplinary action enforced. With respect, I was not in uniform, and I was not at work. I was on my day off from work, and simply sharing in the interest of Health and Safety an example. I was not selling.

Respectfully, I never received a response from anyone with regards to Health and Safety in my work environment from the email I sent on January 23, 2015. With respect, I only received my Verbal Warning.

On March 31, 2015, I received a Written Warning for 12 months, for inappropriate behavior and actions. I communicated to a Supervisor a Health and Safety concern I have in my work environment. Documentation for explanation is provided.

With respect, I disagree with both the Verbal and Written disciplinary actions as the concern is of Health and Safety. With respect, I was following my obligations from my operations manual for my work

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environment. With respect and regards to the Respondents Corporate Safety Commitment Letter (of which I have been given the permission to submit by my Supervisor), health or safety will not be compromise and the letter supports a non-punitive environment for addressing any health or safety concern.

AGE

– **With Respect, I believe I have been age discriminated** by my Manager, Janie DeVito. Janie addressed me directly, my eligibility to the Company Early-Out Program, October 16, 2014. This communication was sent advising me, directly via a personal email. I believe the Respondents interests are communicated in emails, respectfully submitted. Respectfully, I wanted to return to work as quickly as possible, stating with emails submitted. Respectfully, I wanted to work, needed to work, I missed my Career dearly. Respectfully, I should have never missed a day of work.

With respect, I believe the Respondents interest was not wanting me back to work at all, and that it was time for me to retire. I am close to the age of 55 years. With respect, I am not interested in retiring from my career in any way. Why would my Manager want me to know I was eligible for the Company Early-Out Program? With great respect, I love what I do for a living. It is my career and livelihood. With respect, I have shared this love of my career with my Manager time over, in person and in emails. With respect I believe, on October 16, 2014, my Manager, Janie DeVito communicated to me directly, “the Early-Out Program (of which you are eligible)” because of my age. It was time for me to retire from my career.

CHARGE OF DISCRIMINATION
(APRIL 18, 2017)

Charge Presented to: EEOC

Agency(ies) Charge No(s): 532-2017-00265

State or Local Agency, if any:

- Ohio Civil Rights Commission and EEOC

Name: Ms. Christina M. Alessio

Home Phone (Incl. Area Code): (330) 338-7052

Date of Birth: 1960

Street Address:

1970 N. Cleveland Massillon Rd. #589,
Bath, OH 44210

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under Particulars below.)

Name: UNITED AIRLINES

Street Address:

Cleveland Hopkins Airport,
5300 Riverside Drive
Cleveland, OH 44135

No of Employees, Members: 201-500

Phone No: (216) 501-4087

Discrimination Based On:

- Retaliation

DATE(S) DISCRIMINATION TOOK PLACE:

- Earliest 2/24/2016
- Latest: CONTINUING ACTION

THE PARTICULARS are *(if additional paper is needed, attach extra sheet(s))*:

With respect, please see 2 page notarized statement of Particulars, also referencing EEOC #532-2015-01733.

With respect, this is not a Release Authorization for Work Injury Claims with the Ohio Industrial Commission.

I want this charge filed with both the EEOC and the State or Local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

/s/ Christina Alessio
Charging Party Signature

Date: April 18, 2017

ATTACHMENT

I began working for the above named Respondent on 8/13/1998, as a Flight Attendant.

On May 11, 2015, I filed an EEOC Charge of Discrimination #532-2015-01733, based on Retaliation, Disability and Age.

I believe I have been discriminated with May 11, 2015, EEOC Charge #532-2015-01733, based on Retaliation, Disability, in violation of Title I of the Americans with Disabilities Act of 1990, as amended (ADA) and the Age Discrimination in Employment Act of 1967, as amended (ADEA).

On November 30, 2016, I filed a new EEOC Charge of Discrimination #532-2017-00265, based upon ongoing and continuing Retaliation actions by Respondent, beginning on 2/24/2016, for participation and relations with my previously filed, and unresolved, EEOC Charge #532-2015-01733.

Please reference the 12 page **Intake Questionnaire**, for the new EEOC #532-2017-00265. With respect, further supporting documentation has been continued to be submitted.

Discrimination and Retaliation Particulars in brief for #532-2017-00265:

On 2/24/2016 to date, Discrimination actions of Retaliation by Respondent has been continuing and ongoing. Respondent has denied multiple reasonable requests, including sincere accommodations regarding family and work, as well as requested and denied protective measures at work, to simply avoid injury.

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1. **3 Emergency Drop Requests Denied by Respondent to be with my Father in Hospice Care.** Three different times, Emergency Drops were requested and denied by my Supervisor. I had to be flown home from a working trip August 4, 2016, just hours before my Father's passing on August 5, 2016.
2. **2/24/2016, Injured by the Respondent's CPR Validation Requirement Expectation.** No Protective Measures were provided. My Doctor's request to avoid injury was denied by Respondent. American Heart Association concurs that my body weight was not enough to fulfill my Respondents CPR expectation. Respondent was present and witnessed my injury of which Respondent then put me on a Non-Paid Leave of Absence, for 5 months.
3. **Personal Accident Insurance and Life Insurance Termination (referencing 2/24/16 injury).** AIG Employer Part A, on Insurance form, has been denied to be completed fully and accurately, by Respondent.
4. **20 unnecessary Work Injury Claims due to no protectives measures provided by Respondent.** Doctor recommendations to avoid injury were all denied, resulting in work injuries.
5. **12/13/2016 Disciplinary Action-Responding to over-exposure Hazard Communication Module Products by following First Aid Procedures on the ground.** Put on a Verbal Warning by my Supervisor.
6. **Irregular Operation Reports—Denied by Respondent,** from my personal written respectful request to please, come fly with me. Requests respectfully communicated on Irregular Operation Reports:

from the CEO, VP of Inflight Services, Inflight Manager, Inflight Supervisor, all invited to please come fly with me. Respondent has denied my invitation. Hazard material products for cleaning and air freshening are still being used onboard the Aircraft by ground personnel, unknown to the Customers. With respect, pictures of products used onboard and continued reports, respectfully written. Respectfully, my job responsibility is to ensure a safe and comfortable environment.

7. **Irregular Operation Reports**—2014 Discontinued Hazard Communication Module Product has still been present in 2017, onboard the Aircraft.

OSHA Standards require Employers to provide protective measures to hazard materials. No protective measures are provided. And respectfully, **Ingredients are communicated as "N/A" (Not Applicable) on the Material Safety Data Sheet** (classified information and withheld).

With respect, the Respondent is knowingly using the hazard material products onboard and inside the Aircraft by providing a **Hazard Communication Module**, which was required to acknowledge. Respectfully, I believe this not only to be a violation of Federal Law, but also very discriminating and a pure violation of human dignity and respect for Customers and Crew Members. Respectfully, it is the "air", Customers and Crew Members are breathing to the Respondents hazard materials used to clean and air freshen onboard and inside the Aircraft.

Respectfully, I believe the Respondent is violating Federal Law, by cleaning and air freshening with hazard material products used onboard and inside the

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Aircraft. Respectfully, I believe this to be a continuance of harmful retaliation and discrimination.

Respectful added Burden of Proof: Requested an Independent Medical Examination by the Respondents Physician, to the hazard material products used onboard the Aircraft for cleaning and air-freshening. Respondent declined.

/s/ Christina Alessio
Christina Alessio

State of Ohio
County of Summit

Christina Alessio sworn to and subscribed in my presence this 17th day of April, 2017.

/s/ Alfredo D. Torres
Alfredo D. Torres
Notary Public
State of Ohio
Comm. Exp. Apr 15, 2018

**EXHIBIT D — EEOC LETTERS
MISSING "DISMISSAL AND NOTICE OF RIGHTS"
RESPECTFULLY SUBMITTED WITH COMPLAINT
(DOCKET #1, ATTACHMENT #5)
(LETTER DATED: APRIL 18, 2017)**

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To:

Christina M. Alessio
1970 N. Cleveland Massillon Rd. #589
Bath, OH 44210

From:

Cleveland Field Office
EEOC, AJC Fed Bldg
1240 E 9th St, Ste 3001
Cleveland, OH 44199

- EEOC Charge No.: 532-2015-01733
- EEOC Representative:
Denise DeGennaro, Investigator
Telephone No.: (216) 522-4786

**THE EEOC IS CLOSING ITS FILE ON THIS
CHARGE FOR THE FOLLOWING REASON:**

- The EEOC issues the following determination:
Based upon its investigation, the EEOC is unable
to conclude that the information obtained estab-
lishes violations of the statutes. This does not
certify that the respondent is in compliance with

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the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

—NOTICE OF SUIT RIGHTS—

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for will full violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

On behalf of the commission

/s/ Cheryl Mabry

Cheryl Mabry

Director

April 18, 2017
(Date Mailed)

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Enclosures(s)

cc: Megan Detzner
Senior Staff Representative
UNITED AIRLINES
1200 E Algonguin Rd.
EIK Grove Village, IL 60007

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**EXHIBIT D — EEOC LETTERS
MISSING “EEOC: FOIA LETTER”
RESPECTFULLY SUBMITTED WITH COMPLAINT
(DOCKET #1, ATTACHMENT #5)
(LETTER DATED: JUNE 2, 2017)**

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

**PHILADELPHIA DISTRICT OFFICE
801 Market Street, Suite 1300
Philadelphia, PA 19107-3127
Toll Free: (877)-895-1802
TTY (215) 440-2610
Fax (215) 440-2606
Website: www.eeoc.gov**

June 2, 2017

VIA:

Ms. Christina Alessio
1970 N. Cleveland Massillon Rd. #589
Bath, OH 44210

Re: FOIA No.: 530-2017-011070
Christina Alessio v. United Airlines,
532-2015-01733

Dear Ms. Alessio:

Your Freedom of Information Act (FOIA) request, received on May 01, 2017 is processed. Our search began on May 01, 2017. All agency records in creation as of May 01, 2017 are within the scope of EEOC's search for responsive records. The paragraph(s) checked below apply.

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- Your request is granted in part and denied in part. Portions not released are withheld pursuant to the subsections of the FOIA indicated at the end of this letter. An attachment to this letter explains the use of these exemptions in more detail.
- The disclosed records are enclosed. No fee is charged because the cost of collecting and processing the chargeable fee equals or exceeds the amount of the fee. 29 C.F.R. § 1610.15(d).
- You may contact the EEOC FOIA Public Liaison for further assistance or to discuss any aspect of your request. In addition, you may contact the Office of Government Information Services (OGIS) to inquire about the FOIA mediation services they offer.

The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, email at ogis@nara.gov; telephone at (202) 741-5770; toll free 1-877-684-6448; or facsimile at (202) 741-5769.

The contact information for the FOIA Public Liaison: (see contact information in above letterhead or under signature line).

- If you are not satisfied with the response to this request, you may, administratively appeal in writing. Your appeal must be postmarked or electronically transmitted in 90 days from receipt of this letter to the Office of Legal Counsel, FOIA Programs, Equal Employment Opportunity Commission, 131 M Street, NE,

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5NW02E, Washington, D.C. 20507, or by fax to (202) 653-6034, or by email to FOIA@eeoc.gov. <https://publicportalfoiapal.eeoc.gov/palMain.aspx>. Your appeal will be governed by 29 C.F.R. § 1610.11.

Sincerely,

/s/ Spencer H. Lewis, Jr

Spencer H. Lewis, Jr
District Director
PHILFOIA@eeoc.gov

Applicable Sections of the Freedom of Information Act, 5 U.S.C. § 552(b):

Exemption Codes Used:

(b)(3), Exemption (b)(3), as amended by the FOIA Improvement Act of 2016, states that disclosure of information is not required for a matter specifically prohibited from disclosure by another federal statute., ADA, Section 107 of the Americans with Disabilities Act (ADA) adopts the confidentiality provisions of sections 706(b) and 709(e) of Title VII.

1. EE0-1 Report, redacted

(b)(5), Exemption (b)(5) permits withholding documents that reflect the analyses and recommendations of EEOC personnel generated for the purpose of advising the agency of possible action. This exemption protects the agency's deliberative process, and allows

nondisclosure of "inter-agency or intra-agency memorandums or letters which would not be available to a party other than an agency in litigation with the agency." 5 U.S.C. § 552(b)(5). The exemption covers internal communications that are deliberative in nature. *National Labor Relations Board v. Sears, Roebuck & Co.*, 421 U.S. 132 (1975); *Hinckley v. United States*, 140 F.3d 277 (D.C. Cir. 1998); *Mace v. EEOC*, 37 F. Supp. 2d 1144 (E.D. Mo. 1999). The purpose of the deliberative process privilege is to "allow agencies freely to explore alternative avenues of action and to engage in internal debates without fear of public scrutiny." *Missouri ex. rel. Shorr v. United States Corps of Eng'rs.*, 147 F.3d 708, 710 (8th Cir. 1998).

1. Recommendation For Closure, redacted dismissal/closure options and specific information in support of recommendation/decision
2. PCHP Assessment Form, redacted assessment categories, 3 pages, 7/22/15
3. Charge Detail Inquiry Form, redacted processing codes and/or attributes; redacted investigator's notes 11/22/16 and 1/19/17

For a full description of the exemption codes used please find them at the following URL: <https://publicportalfoiapol.eeoc.gov/palMain.aspx>

This response was prepared by [Sylvia Williams], [Paralegal Specialist], who may be reached at [215-440-2682].

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**EXHIBIT E — EMAILS
RESPECTFULLY SUBMITTED WITH COMPLAINT
(DOCKET #1, ATTACHMENT #6)**

**U.S. SENATOR'S RESPONSE
(JULY 22, 2015)**

Subject: Reply from Senator Sherrod Brown
From: Sherrod Brown
(SenatorBrown@brown.senate.gov)

To: tinaalessio@yahoo.com;

Date: Wednesday, July 22, 2015 6:12 PM

Dear Ms. Alessio:

Thank you for getting in touch with my office regarding hazardous materials used in cleaning supplies upon commercial flights. I appreciate your bringing this issue to my attention.

I have passed your concerns along to the legislative assistant in my office who monitors transportation and health issues. I will keep your thoughts in mind should this issue come before the Senate.

If you require any other assistance, please call my office at 202-224-2315. Thank you again for being in touch with me.

Sincerely,

Sherrod Brown
United States Senator

App.102a

Stay connected with what's happening in Congress.
Sign up here for regular updates on the issues you
care about the most: [http://brown.senate.gov/newsletter/
landing](http://brown.senate.gov/newsletter/landing)

App.103a

**U.S. CONGRESSWOMAN'S RESPONSE
(JULY 31, 2015)**

Subject: Response from Marcia L. Fudge
From: Rep. Marcia L. Fudge
(oh11-wyr@mail.house.gov)
To: tinaalessio@yahoo.com;
Date: Friday, July 31, 2015 9:49 AM

You are receiving this letter because you recently wrote to Marcia L. Fudge.

July 31, 2015

Tina Alessio
1970 N. Cleveland-Massillon Rd
#589
Bath, OH 44210-5367

Dear Tina Alessio,

Thank you for contacting me to concerning the presence of hazardous materials on airlines. As your Representative, your thoughts are important to me, and I appreciate the opportunity to respond to your concerns about this issue.

The Federal Aviation Administration (FAA) has implemented a program that allows airlines to voluntarily admit when violations of the Hazardous Materials Regulations (HMR) occur. Both US airlines and foreign airlines that operate in the US certified under 14 CFR parts 119 and 129 respectively have the option to participate. Under this program airlines may voluntarily disclose when they have not complied with hazardous materials standards—without risk of punishment—and the FAA uses that data to prevent more non-compliance. The FAA then helps that airline

App.104a

to correct violations providing guidance, oversight, and support.

As your Representative, rest assured, as legislation related to hazardous materials on airlines is considered by Congress I will be sure to keep your thoughts in mind.

Your needs and concerns are important to me, and I thank you again for taking an active role in the legislative process. Democracy works best when we stay in touch, so I invite you to sign-up for email updates at fudge.congressnewsletter.net. You can also get late-breaking news at facebook.com/RepMarciaLFudge and twitter.com/RepMarciaFudge.

If you should need any additional information or assistance, please do not hesitate to contact my D.C. office at (202) 225-7032.

Sincerely,

/s/ Marcia L. Fudge

Marcia L. Fudge

Member of Congress

App.105a

**AFA-CWA SENIOR STAFF ATTORNEY'S RESPONSE
(FEBRUARY 28, 2017)**

Subject: 2014-2017 Flight Attendant Hazard Communication Modules

From: Michael Hickey (mchickey@unitedafa.org)

To: tinaalessio@yahoo.com;

Cc: lbarnett@unitedafa.org;

Date: Tuesday, February 28, 2017 1:33 PM

Dear Ms. Alessio:

I am responding to your February 24, 2017 email addressed to Lynn Barnett, CAL-AFA MEC Grievance Chair. It is my understanding from your email that you are requesting the assistance of AFA-CWA in obtaining a copy of what you describe as United's 2014-2017 Hazard Communication Modules. Any and all such Modules, documents and materials would be the property of United and/or United's vendors and you need to direct your request to the appropriate United management personnel. As you seek these materials in conjunction with work injury claims pending before the Ohio Industrial Commission, such matters are outside the scope of AFA-CWA's representation of you. If you have a private attorney representing you regarding your work injury claims, I would suggest that you have your personal attorney contact United with your request. However, AFA-CWA will not be able to assist you in this matter. Please let me know if you have any further questions.

Regards.

Michael C. Hickey
Senior Staff Attorney AFA-CWA

App.106a

**INFLIGHT MANAGER'S RESPONSE
(JUNE 7, 2017)**

Devito, Janie

Sent: Wednesday, June 07, 2017 6:59 AM

To: Alessio, Tina

Cc: Piszczek, Kimberly; Stanley, Diane; Sturchio,
Mary

Tina,

Thank you for your e-mail. As we have discussed previously, the EEOC has dismissed both charges. That is the final disposition to this matter.

Regards

Janie

-----Original Message-----

From: Alessio, Tina

Sent: Tuesday, June 06, 2017 8:22 PM

To: Devito, Janie; Piszczek, Kimberly

Cc: Jarrell, Jayson; Alessio, Tina

Subject: EEOC Charges Resolution

June 6, 2017

Dear Janie and Kim,

Good day to you.

Respectfully, I have been communicated to do my reaching out, with you regarding my 2 EEOC charges.

Respectfully, I would like to reach out with you for the opportunity to work together in a meeting setting to resolve my 2 EEOC charges.

Respectfully, the EEOC has dismissed both charges, and is giving me the right to be heard in Court.

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With great respect, may I please have the opportunity to work together in hope of a resolution?

Look forward to hearing from you.

Sincerely,
Christina Alessio

Sent from my iPhone

App.108a

**FOLLOW-UP WITH CLEVELAND PRESIDENT OF
ASSOCIATION OF FLIGHT ATTENDANTS
(JUNE 29, 2017)**

Alessio, Tina

Sent: Thursday, June 29, 2017 11:04 AM

To: jarrell@unitedafa.org

Cc: Alessio, Tina

June 29, 2017

Dear Jayson,

Thank you for being apart of some topics of concern yesterday, that I went over with my Supervisor, Kim Piszczek.

With great respect and to clarify for the record the following topics were communicated and your notes were provided. Thank you.

Attendance:

12 Active Months: 2 sick calls

Verbal Warning and conversation, expires
December 13, 2017

1. Irregular Operations Reports (IOR's with no response)

Requesting a response, and inquiring what I should do about it.

#59384 3/24/17, #60930 4/14/17, #61871 4/29/17, #63585 5/21/17, #63618 5/22/17, #66479 6/24/17

Kim—I will pull for you, but I can't respond.

2. 2014 Hazard Communication Module: (Inquiring)

Tina—You had said they are sanction products

Kim—Anything onboard is approved

App.109a

Kim—Someone does approve them/makes decision

3. **What is the Company providing the Flight Attendants to protect against**

Kim—We've been through this

Kim—You've gotten the answers before

Tina—The products are still there

Kim—You've been told they aren't harmful

Kim—I don't have any further information for you

4. **Can I print my IOR'S to send to my United email**

Kim—yes

5. **The EEOC Reports** are not personal, but that I am following to the best of my ability the Policies and Procedures to safety and security issues—see something, say something.

Thank you for your time yesterday, Jayson. Please verify and confirm when you get a chance.

Sincerely,
Tina

App.110a

**EXHIBIT F — LETTERS
RESPECTFULLY SUBMITTED WITH COMPLAINT
(DOCKET #1, ATTACHMENT #7)**

**U.S. SENATOR
(MAY 25, 2017)**

**UNITED STATES SENATE
WASHINGTON, DC 20510-3505**

**Sherrod Brown
Ohio
Committees: Agriculture, Nutrition, And Forestry
Banking, Housing, And Urban Affairs
Finance
Veterans' Affairs**

May 25, 2017

Ms. Christina Alessio
1970 N. Cleveland-Massillon Rd., #:589
Bath, OH 44210

Dear Ms. Alessio:

Your concerns were forwarded to the Federal Aviation Administration and the Occupational Safety and Health Administration and both agencies have responded. Copies of those letters are attached. You may wish to contact an attorney to determine if there is a legal avenue within a court of law by which you may further address these concerns.

App.111a

Please do not hesitate to contact us again if you are experiencing difficulties with any other federal matter.

Sincerely,

Office of U.S. Senator Sherrod Brown

App.112a

**FEDERAL AVIATION ADMINISTRATION (FAA)
(JUNE 2, 2016)**

**FEDERAL AVIATION ADMINISTRATION
800 Independence Ave. S.W. Washington, D.C. 20591
T 202-2674998 F 202-267-5191**

To: John Patterson
Company: Senator Sherrod Brown
Phone: (216) 522-7272
Fax: (216) 522-2239
From: Keisha Rene Dyson
Title: Program and Management Analyst
Date: June 2, 2016

Pages w/cover:

The Federal Aviation Administration (FAA) is in receipt of your letter dated November 12, 2015 on behalf of Christina Alessio regarding hazardous materials aboard aircraft and work injuries due to hazardous materials.

Unfortunately, this is not an FAA issue. In order to ensure that your concerns are addressed, I am forwarding your inquiry to the appropriate agency/office at the following address:

U.S. Department of Labor
Occupational Safety and Health Administration
200 Constitution Avenue, NW
Room Number N3626
Washington DC 20210

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I am confident you will receive a prompt response to your inquiry.

If I can be of further assistance, please call me at the above telephone number.

App.114a

**OCCUPATIONAL SAFETY AND
HEALTH ADMINISTRATION (OSHA)
(SEPTEMBER 19, 2016)**

**U.S. DEPARTMENT OF LABOR
Occupational Safety and Health Administration
230 South Dearborn Street, Room 3244
Chicago, Illinois 60604
(312) 353-2220**

**The Honorable Sherrod Brown
United States Senate
801 West Superior Ave., Suite 1400
Cleveland, Ohio 44113**

Senator Brown:

Your letter initially sent to the Federal Aviation Administration's Ms. Holly Harris, Acting Assistant Administrator for Government and Industry Affairs was forwarded to the Occupational Safety and Health Administration (OSHA) for a response. Your original letter provided correspondence from your constituent Ms. Christina Alessio of Bath, Ohio. Ms. Alessio, a United Airlines, Inc. (United) flight attendant, is concerned as to the laws forbidding carrying hazardous materials aboard aircraft and how this is reconciled with the use of cleaners and air freshener products that may contain harmful chemicals or irritants onboard commercial aircraft. Please excuse the delay in the response.

As you may know, OSHA has limited authority over the working conditions of cabin crew members while they are onboard aircraft in operation. Under this limited authority, a few of OSHA's standards may

be applied, including the Hazard Communication Standard (HCS), 29 CFR 1910.1200, to the working conditions of cabin crew members (but not flight deck crew) on aircraft in operation. While OSHA does not have a standard that regulates general indoor air quality, workers potentially exposed to cleaning or air freshener products that were used in the aircraft in a duration and frequency more than what a typical consumer would use the cleaning or air freshener products, and thus exposed to a potential health hazard, must be included in their employer's hazard communication program. The employer's hazard communication program must include maintaining and making available safety data sheets, training employees on the hazards of the chemicals to which they are actually or potentially exposed, as well as identifying any appropriate protective measures, such as gloves for hand protection.

OSHA's Cleveland Area Office has previously reached out to Ms. Alessio to discuss her concerns related to her injury claims. OSHA also reviewed United Airline's response to a health and safety complaint which was handled by our phone/fax process, safety data sheets, and the medical opinion from her physician. From a review of the materials presented to OSHA, we could neither substantiate nor disprove whether her potential exposures to the listed product-types caused or aggravated her health concerns. In addition, OSHA does not have a generic medical surveillance standard, and therefore, cannot require that her employer provide her with an "independent medical examination." OSHA's medical surveillance requirements are contained in its substance-specific

App.116a

health standards, such as benzene, cadmium, and formaldehyde.

Ms. Alessio's employer, United, remains responsible for providing a safe and healthy working environment for its workers, and the need to take reasonable steps to find safer alternative products if necessary. With regard to Ms. Alessio's concerns relating to her injury claims, these are outside of OSHA's jurisdiction and would need to be addressed by the Ohio Industrial Commission.

OSHA will now consider this matter closed. Thank you for your interest in safety and health.

Sincerely,

/s/ Ken Nishiyama Atha

Ken Nishiyama Atha

Regional Administrator

cc: Howard Eberts, Area Director,
Cleveland Area Office
CCU #806339

HEALTH AND WAGES OVERVIEW
RESPECTFULLY SUBMITTED WITH COMPLAINT
(DOCKET #1, ATTACHMENT #10)

EEOC #532-2015-01733 filed May 11, 2015
EEOC #532-2017-00265 filed November 30, 2016

THE FACTS:

1998 Hired in Good Health

2003 Diagnosed [*sic* "Diagnosed"] with a
Disability

2012 \$41,533

2013 \$57,975 (\$16,442 Increase over 2012)

Protected my Health—From Respondents Air
Freshener Products

(15 Years of Service)

2014 \$30,541 (\$27,434 Decrease under
2013)

Protective Measures—Hazard Communication
Module: Denied by Respondent protection to
Hazard Communication Material Products
(including Air Freshener Product)

(16 Years of Service)

2015 \$50,385 (\$19,844 Increase over 2014)

Protected my Health—Solid Air Freshener
Disk discontinued: Permission by Respondent
protection to Hazard Communication Material
Product (Solid Air Freshener Disk)

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(17 Years of Service)

2016 \$36,416 (\$13,969 Decrease under
2015)

Protective Measures – Denied by Respondent protection to CPR Expectation Validation with ability to avoid injury. Resulted in spraining both hands and both wrists. Denied by Respondent protection to follow First Aid Procedures on the ground, to Hazard Cleaning Product.

(18 Years of Service, \$62.00 hourly pay)

App.119a

PLAINTIFF FILING,
APPEAL LETTER REQUEST TO THE
EEOC FOR REDACTED FOIA INFORMATION
(DOCKET 11)
(AUGUST 21, 2017)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

CHRISTINA ALESSIO,

Plaintiff,

v.

UNITED AIRLINES,

Defendant.

Case No. 5:17-CV-01426

Before: Sara LIOI, Judge.,
Kathleen B. BURKE, Magistrate Judge.

1. Plaintiff Appeal Letter Request to the Equal Employment Opportunity Commission for Redacted FOIA Information
2. Equal Employment Opportunity Commission Reference Letter Filed July 7, 2017, with, Complaint: Exhibit D

/s/ Christina Alessio

Christina Alessio

1970 N. Cleveland-Massillon Rd. #589
Bath, Ohio 44210

CERTIFICATE OF SERVICE

I do hereby certify that on August 21, 2017, a copy of the Equal Employment Opportunity Commission, "Appeal Letter Request", was filed at the Federal Courthouse, United States District Court for the Northern District of Ohio, with the Clerk of Courts.

Respectfully, two copies were also served by Certified Mail on August 21, 2017, to the nine collective "Individual" Defendant's Attorneys:

Natalie M. Stevens (0079963)
Heather M. Huffman (0078362)
Ogletree, Deakins, Nash, Smoak & Stewart, P.C.
127 Public Square, Suite 4100
Cleveland, Ohio 44114

With respect and for reference, the list of nine "Individual Defendants" are as followed:

United Airlines, Inc.
Mr. Oscar Munoz
Mr. Scott Kirby
Mr. Robert Milton
Mr. Brett Hart
Mr. Sam Risoli
Ms. Mary Sturchio
Ms. Janie DeVito
Ms. Kim Piszczek

Respectfully,

/s/ Christina Alessio

Christina Alessio
Plaintiff and pro se

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**APPEAL LETTER REQUEST
(AUGUST 21, 2017)**

Office of Legal Counsel
FOIA Programs
Equal Employment Opportunity Commission
131 M Street, NE
5NW02E
Washington, D.C. 20507

Re: FOIA No. 530-2017-011070

Christina Alessio v. United Airlines,
532-2015-01733/532-2017-00265

Respectful Appeal Letter Request: Redacted FOIA
Information

August 21, 2017

To whom it may concern,

With respect, the Equal Employment Opportunity Commission wrote a letter on June 2, 2017, providing information regarding my respectful request for my complete FOIA Administrative Files.

Respectfully in the letter, a few statement boxes were marked with an "X", which state:

- "Your request is granted in part and denied in part. Portions not released are withheld pursuant to the subsections of the FOIA indicated at the end of this letter. An attachment to this letter explains the use of these exemptions in more detail."
- "If you are not satisfied with the response to this request, you may administratively appeal in writing. Your appeal must be postmarked or

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electronically transmitted in 90 days from receipt of this letter to the Office of Legal Counsel, FOIA Programs, Equal Employment Opportunity Commission, 131 M Street, NE, 5NW02E, Washington, D.C. 20507, or by fax to (202) 653-6034, or by email to FOIA@eeoc.gov, <https://publirportalfoiapal.eeoc.gov/palMain.aspx>. Your appeal will be governed by 29 C.F.R. 1610.11."

Respectfully upon receipt of this letter, I am requesting within the 90 day period, an attempt to receive my complete FOIA Administrative Files. With respect and in specific to:

"1. EEO-1 Report, redacted"

(Information I believe to be understood as redacted and withheld from my EEOC Administrative Files)

1. Recommendation For Closure, redacted dismissal/closure options and specific information in support of recommendation/decision
2. PCHIP Assessment Form, redacted assessment categories, 3 pages, 7/22/15
3. Charge Detail Inquiry Form, redacted processing codes and/or attributes; redacted Investigator's notes 11/22/16 and 1/19/17

Respectfully, the redacted information is being requested as evidence necessary to provide the truth, the whole truth and nothing but the truth.

With respect, a copy of the letter dated June 2, 2017, from the Equal Employment Opportunity Commission (Philadelphia District Office), is enclosed with

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my Appeal Letter Request for reference and accuracy to the record.

Respectfully, the same letter from the EEOC was need be, respectfully submitted to the United States District Court for the Northern District of Ohio, in search for resolution. (Exhibit: D, filed with Complaint)

What has me most concerned with the denial to receive the redacted information within my FOIA Administrative Files are the following words:

“redacted dismissal/closure options and specific information in support of recommendation/decision” With respect, does this have anything to do with my 2/24/16, Continuing Qualification CPR work injury of spraining both my hands and wrists at the Defendant’s Training Center, of which could have been avoided and the work injury claim was disallowed? (Reference: Claim #16-807292, Court Reported and of Public Record)

“fear of public scrutiny” Respectfully, I believe the truth is what the Public only wants to hear.

With respect, if there is worry or “fear of public scrutiny”, then with all “ways” and by all “means”, regarding specific “sources and methods” present today, please let’s make it right. Make it right with transparency.

Respectfully in terms of the Aircraft Cabin air quality, transparency is paramount. With respect, no more secrets to the products used to clean and air freshen the aircraft cabin. With respect, why have we not been transparent all along to the Global Air

Traveling Public? Respectfully, as this letter is written today the list of ingredients used for air freshening the aircraft cabin are still kept secret, and not transparent. And respectfully, the sanitizer spray is a Health Hazard Level 2 = Moderate. With respect, what is the reason, motive or intent for this?

Respectfully, I believe the Healthcare and Safety for all Crew Member's, is at the highest level of discrimination with respect, to the Equal Employment Opportunity Commission.

And with respect to air quality, I believe the Aircraft Cabin treatment with Healthcare and Safety of the whole Global Air Traveling Public is unfair and in violation of 49 U.S.C. § 5124. Respectfully, this is about "chemical cleaning and air freshening products" treatment, with no preventive measures.

With respect, this should be just the opposite. Respectfully, all about Healthcare and Safety prevention, not the chemical treatment. Please, can we at least be transparent with the list of chemicals being used by choice, in the Aircraft Cabin of which all Customers and Crew Member's are breathing?

With the utmost respect, may there be zero tolerance for any "ways and means", "sources and methods" of reasoning for wrongdoing. "Transparency of all Products used in the Aircraft Cabin" seem to be the most logic, common sense, dignified and respectful "Agreement of Service" to provide for the whole Global Air Traveling Public, whose Healthcare and Safety matters.

With respect, might I add the use of Mother Earth's God given resources are imminent. With the greatest respect, the use of "air freshening with chemicals" is a

App.125a

direct Healthcare and Safety assault on us all, and Mother Earth.

Respectfully, chemical substance abuse isn't always voluntary. And with respect I believe, to intentionally harm someone is a crime. It is time we changed and look to Mother Earth and her resources, please. **Respectfully, this is about Healthcare and Safety.**

With respect, profit is meant to be made anywhere and everywhere with Mother Earth's resources, she is our outdoor environment. We need to care for her as much as we should care about our indoor environment, the Aircraft Cabin.

Respectfully, the Healthcare and Safety decisions are made by choice to use "chemical cleaning and air freshening products" in the Aircraft Cabin. With respect, I believe this is unhealthy and unsafe treatment, with short and long lasting negative effects to the whole Global Air Traveling Public who resides in the Aircrafts particular and unique environment. Respectfully, why are we doing this?

Please accept my request to allow and release any and all redacted information from my FOIA Administrative Files with the Equal Employment Opportunity Commission for open, honest, direct and transparent communication.

Sincerely,

/s/ Christina Alessio
Christina Alessio

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P.S. This letter will be respectfully submitted to the United States District Court for the Northern District of Ohio and the Defendant's Attorneys, for insight, clarity and understanding, as per my respectful Letter Appeal Request for the redacted FOIA Information.

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PLAINTIFF FILING,
SHORT LIST OF 79 IRREGULAR OPERATION
REPORTS WITH RESPONSES
(DOCKET 14)
(AUGUST 29, 2017)

IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF OHIO

CHRISTINA ALESSIO,

Plaintiff,

v.

UNITED AIRLINES,

Defendant.

Case No. 5:17-CV-01426

Before: Sara LIOI, Judge.,
Kathleen B. BURKE, Magistrate Judge.

- 1.) Plaintiff Respectfully Submitting Short List of 79 Irregular Operation Reports since 2014, Including Defendants' Validation and Answers to Reports. (Reference Complaint 07/07/17: Exhibit H)
- 2.) Respectful Response to Answers

/s/ Christina Alessio

Christina Alessio

1970 N. Cleveland-Massillon Rd. #589
Bath, Ohio 44210

CERTIFICATE OF SERVICE

I do hereby certify that on August 29, 2017, a copy of 1). Short List of 79 Irregular Operation Reports since 2014, including Defendants' validation and answers to reports. 2). Respectful response to answers", was pled at the Federal Courthouse, United States District Court for the Northern District of Ohio, with the Clerk of Courts.

Respectfully, two copies were also served by Certified Mail on August 29, 2017, to the nine collective "Individual" Defendant's Attorneys:

Natalie M. Stevens (0079963)
Heather M. Huffman (0078362)
Ogletree, Deakins, Nash, Smoak & Stewart, P.C.
127 Public Square, Suite 4100
Cleveland, Ohio 44114

With respect and for reference, the list of nine "Individual Defendants" are as followed:

United Airlines, Inc.
Mr. Oscar Munoz
Mr. Scott Kirby
Mr. Robert Milton
Mr. Brett Hart
Mr. Sam Risoli
Ms. Mary Sturchio
Ms. Janie DeVito
Mr. Kim Piszczek

Respectfully,

/s/ Christina Alessio

Christina Alessio
Plaintiff and pro se

App.129a

IOR 61871

Action Item Responses

Action Item Number: 86378

Action Item Last Editor: Hoopii Ikaika

Answered Date: Aug 4, 2017

- **Question**

At your earliest convenience. Please respond to this IOR.

- **Action Item Response**

With respect the lavatory disk you are referencing was removed in 2014 because we changed to a more effective product and process and not due to any proven harmful properties to passenger or employees. Airport operations and tech ops have removed this item from any ordering catalogue and removed it from any tech ops job cards that required its use. We have also confirmed with the manufacturer that they no longer distribute this product to United Airlines any longer.

Attachments

IOR 61871 4/29/17

Respectful Plaintiffs' Response to Answer:

1. Lavatory disks are a solid chemical air freshener, and the liquid chemical air freshener spray which was a part of the 2014 Hazard Communication Module, is still required to use by ground personnel onboard the aircraft.

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2. Lavatory disks were not completely removed in 2014, please reference short list of Irregular Operation Reports: 2014-2017.

3. More effective product (replacing the lavatory disk) is a chemical fragrance hand soap, which still has list of ingredients, including fragrance: Not Applicable, with First Aid Procedures not an option.

4. The Manufacturer states with the air freshening products: "This information contained herein is based on data considered accurate. However, no warranty is expressed or implied regarding the accuracy of these data or the results to be obtained from the use thereof. (Redacted Company Name) assumes no responsibility for personal injury or property damage to vendors, users or third parties caused by the material. Such vendors or users assume all risks associated with the use of the material."

5. Please come fly with me.

App.131a

IOR 63585

Risk Assessment

Risk Rank: 19

Risk Level: 1B

Description: Limited Risk

Action Item Responses

Action Item Number: 86379

Action Item Last Editor: Hoopii Ikaika

Answered Date: Aug 15, 2017

- Question
- Action Item Response

Respectfully the obsoleted product had been removed from the cabin cleaning ordering system in 2014 because we moved to a better product and system for updating the fragrance in the lavatories and not because it was deemed harmful to passengers or employees. Unbeknownst to our cabin team this was not removed from a job card in maintenance. Since finding that out in early 2016 it has been removed from the maintenance ordering system as well as the manufacturer was notified to remove any orders for United Airlines. Communications have been sent out.

Attachments

IOR 63585 5/21/17

Respectful Plaintiffs' Response to Answer:

1. Lavatory disks (obsoleted product) are solid chemical air fresheners. Liquid chemical air freshener sprays and part of the 2014 Hazard Communication Module, is still required to spray onboard the aircraft. With respect, why?

2. Lavatory disk (obsoleted product) was not completely removed in 2014, please reference short list of irregular Operation Reports: 2014-2017.

3. The Manufacturer states with air freshening products: "This Information contained herein is based on data considered accurate. However, no warranty is expressed or implied regarding the accuracy of these data or the results to be obtained from the use thereof. (Redacted Company Name) assumes no responsibility for personal injury or property damage to vendors, users or third parties caused by the material. Such vendors or users assume all risks associated with the use of the material."

4. Please come fly with me.

App.133a

IOR 63618

Risk Assessment

Risk Rank: 19

Risk Level: 1B

Description: Limited Risk

Action Item Responses

Action Item Number: 86380

Action Item Last Editor: Hoopii Ikaika

Answered Date: Aug 8, 2017

- **Question**

At your earliest opportunity, please respond to this IOR.

- **Action Item Response**

Thank you for your feedback. Our Cabin cleaner/disinfectant Matrix #3 (Zip Chem Calla 1452) is EPA certified and recommended by Boeing for use on board aircraft. This became very important to all employee's and passengers during the last Ebola scare in 2014 where the AFA supported the use of this Cleaner disinfectant to ensure the safety of all on board. The chemical is sprayed on and wiped off leaving it virtually inert by the time the cleaners are done wiping that surface. In the 9 years we have been using this product we have not received any complaint or report from any cleaning company using this chemical on our behalf.

Attachments

IOR 63618 5/22/17

Respectful Plaintiffs' Response to Answer:

1. #3 Chemical Sanitizer Spray is a Health Hazard Level 2 = Moderate rating against one health. Respectfully, I am aware that the EPA does work with our outdoor environment. However, I am not aware of any airline indoor air quality standards with the EPA. To say that the chemical cabin cleaner is EPA certified, is unclear and concerning. Any Health Hazard chemical certification to be used for airline commercial aircraft, I believe would be a violation of 49 U.S.C. § 5124.

2. With respect, I believe the aircraft manufacturer, Boeing, would recommend the product for the aircraft because this chemical product, will not harm the aircraft. However, the chemical product states on the label a Health Hazard Level 2 = Moderate. This information, I believe communicates harm to ones health in this unique and particular environment.

3. AFA (Association of Flight Attendants) has supported the Company's' use of chemical cleaning and chemical air freshening products onboard the aircraft. The AFA, has communicated that the Company has approved the products for use onboard the aircraft.

4. Rule of Law: With respect, the use of hazard materials onboard the aircraft is forbidden. How can there be then, a **2014 Hazard Communication Module**, with the use of Health Hazard chemical cleaning and chemical air freshening products for the aircraft?

5. Please come fly with me.

IMAGES OF TABLE PERTAINING TO
IRREGULAR OPERATIONS REPORT

The image consists of five vertical strips, each showing a different section of a document that is extremely noisy and illegible. The strips are arranged horizontally, suggesting they are fragments of a larger page. Faint, scattered characters and numbers are visible through the heavy noise, but no coherent text or table structure can be discerned.

PA IOR-61004	Jul 31, 2017	Validated	FA IOR	PA IOR-61004
PA IOR-60030	Jul 23, 2017	Validated	FA IOR	PA IOR-60030
PA IOR-60030	Jul 23, 2017	Validated	FA IOR	PA IOR-60030
PA IOR-60030	Jul 23, 2017	Validated	FA IOR	PA IOR-60030
PA IOR-60030	Jul 23, 2017	Validated	FA IOR	PA IOR-60030
PA IOR-60030	Jun 26, 2017	Validated	FA IOR	PA IOR-60030
PA IOR-60030	Jun 12, 2017	Validated	FA IOR	PA IOR-60030
PA IOR-60030	Jun 12, 2017	Validated	FA IOR	PA IOR-60030
PA IOR-60030	May 31, 2017	Validated	FA IOR	PA IOR-60030
PA IOR-60030	May 22, 2017	Validated	FA IOR	PA IOR-60030
PA IOR-60030	May 21, 2017	Validated	FA IOR	PA IOR-60030
PA IOR-60030	Apr 29, 2017	Validated	FA IOR	PA IOR-60030
PA IOR-60030	Apr 28, 2017	Validated	FA IOR	PA IOR-60030
PA IOR-60030	Apr 15, 2017	Validated	FA IOR	PA IOR-60030
PA IOR-61004	Apr 15, 2017	Validated	FA IOR	PA IOR-61004
PA IOR-60030	Apr 14, 2017	Validated	FA IOR	PA IOR-60030
PA IOR-60030	Mar 24, 2017	Validated	FA IOR	PA IOR-60030
PA IOR-60030	Feb 19, 2017	Validated	FA IOR	PA IOR-60030

App.139a

**PLAINTIFF FILING,
EEOC: FOIA RESPONSE LETTER (DOCKET 16)
(SEPTEMBER 14, 2017)**

**IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF OHIO**

CHRISTINA ALESSIO,

Plaintiff,

v.

UNITED AIRLINES,

Defendant.

Case No. 5:17-CV-01426

**Before: Sara LIOI, Judge.,
Kathleen B. BURKE, Magistrate Judge.**

**Plaintiff Respectfully Submitting Equal Employment
Opportunity Commission's response to Appeal letter
requesting redacted FOIA Information**

/s/ Christina Alessio

Christina Alessio

1970 N. Cleveland-Massillon Rd. #589

Bath, Ohio 44210

CERTIFICATE OF SERVICE

I do hereby certify that on September 14, 2017, a copy of the Equal Employment Opportunity Commission's response letter to my Appeal letter, respectfully requesting redacted FOIA Information was filed, at the Federal Courthouse, United States District Court for the Northern District of Ohio, with the Clerk of Courts.

EEOC/FOIA APPEAL No. 820-2017-002831A
FOIA No. 530-2017-011070,

Respectfully, two copies were also served by Certified Mail on September 14, 2017, to the nine collective "Individual" Defendant's Attorneys:

Natalie M. Stevens (0079963)
Heather M. Huffman (0078362)
Ogletree, Deakins, Nash, Smoak & Stewart, P.C.
127 Public Square, Suite 4100
Cleveland, Ohio 44114

With respect and for reference, the 11st of nine "Individual Defendants" are as followed:

United Airlines, Inc.
Mr. Oscar Munoz
Mr. Scott Kirby
Mr. Robert Milton
Mr. Brett Hart
Mr. Sam Risoli
Ms. Mary Sturchio
Ms. Janie DeVlto
Ms. Kim Piszczek

Respectfully,
/s/ Christina Alessio
Christina Alessio
Plaintiff and pro se

App.141a

**EEOC: FOIA RESPONSE LETTER
(AUGUST 29, 2017)**

**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
OFFICE OF LEGAL COUNSEL**

131 M St, N.E., Fifth Floor
Washington D.C. 20507
Toll Free: (877) 869-1802
TTY: (202) 663-7026
Fax: (202) 653-6034

August 29, 2017

Via: U.S. Mail
Ms. Christina Alessio
1970 N. Cleveland Massillon Rd. #589
Bath, OH 44210

Re: FOIA Appeal No.: 820-2017-002831A
FOIA No. 530-2017-011070
(*Alessio v. United Airlines*)

Dear Ms. Alessio:

Your appeal(s) under the Freedom of Information Act (FOIA). 5 U.S.C. § 552, received by the Office of Legal Counsel on August 24, 2017, is assigned the above FOIA tracking number. It will be processed by Teresa Guerrant who can be reached at (202) 663-4500.

EEOC will issue a determination on your appeal on or before September 22, 2017. FOIA and EEOC regulations provide 20 working days to issue a determination on an appeal, not including Saturdays, Sundays and federal holidays. In unusual circumstances, EEOC may extend the 20 working days by 10 additional

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working days or stop processing your appeal until you respond to our request for fee or clarifying information. Should EEOC take an extension or stop processing your appeal, notice will be issued prior to the expiration of the 20 working days.

You may contact the Requester Service Center for status updates on your appeal or for FOIA information toll free, via telephone, to (877) 869-1802, by fax to (202) 653-6034, by e-mail to FOIA@eeoc.gov, or by mail to the EEOC, Requester Service Center, 131 M Street NE, Fifth Floor, Washington, D.C. 20507. Additionally, you may check the status of your appeal online at <https://publicportalfoiapal.eeoc.gov>.

Sincerely,

/s/ { signature not legible }

Stephanie D. Garner
Assistant Legal Counsel
FOIA@eeoc.gov

App.143a

**PLAINTIFF FILING (DOCKET 17)
(SEPTEMBER 18, 2017)**

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

CHRISTINA ALESSIO,

Plaintiff,

v.

UNITED AIRLINES,

Defendant.

Case No. 5:17-CV-01426

**Before: Sara LIOI, Judge.,
Kathleen B. BURKE, Magistrate Judge.**

Plaintiff Respectfully Submitting

- 1. Email Correspondence Letter of Concern,
With Former President's Letter of Response**
- 2. OSHA's Written Communication Letter with
Email Correspondence.**
- 3. Respectfully Requesting My Correspondence
Letter with Our Present President, from
OSHA, Awaiting the Letter From OSHA to
respectfully submit.**

/s/ Christina Alessio

Christina Alessio
1970 N. Cleveland-Massillon Rd. #589
Bath, Ohio 44210

CERTIFICATE OF SERVICE

I do hereby certify that on September 18, 2017, a copy of correspondence letters and emails from the Former President, OSHA and myself, were with great respect filed, at the Federal Courthouse, United States District Court Northern District of Ohio, with the Clerk of Courts.

Respectfully, two copies were also served by Certified Mail on September 14, 2017, to the nine collective "Individual" Defendant's Attorneys:

Natalie M. Stevens (0079963)
Heather M. Huffman (0078362)
Ogletree, Deakins, Nash, Smoak & Stewart, P.C.
127 Public Square, Suite 4100
Cleveland, Ohio 44114

With respect and for reference, the list of nine "Individual Defendants" are as followed:

United Airlines, Inc.
Mr. Oscar Munoz
Mr. Scott Kirby
Mr. Robert Milton
Mr. Brett Hart
Mr. Sam Risoli
Ms. Mary Sturchio
Ms. Janie DeVltO
Ms. Kim Piszczek

App.145a

Respectfully,

/s/ Christina Alessio
Christina Alessio
Plaintiff and pro se

App.146a

**EMAIL CORRESPONDENCE LETTER OF
CONCERN, WITH FORMER PRESIDENT'S
LETTER OF RESPONSE
(JULY 12, 2016)**

THE WHITE HOUSE
WASHINGTON

July 12, 2016

Ms. Tina Alessio
Bath, Ohio

Dear Tina:

Thank you for writing. We are living in a time of extraordinary change and possibility, and I appreciate your perspective.

Through trial and triumph alike, America has always overcome challenges and emerged stronger because we've come together as one people. This progress depends on individuals like you who seize the responsibility of citizenship by speaking out on issues that matter to them. That is the spirit that built America, and together we can build a future of even greater opportunity and security for generations to come.

Thank you, again, for writing. I will keep messages like yours in mind, and I wish you all the best.

Sincerely.

/s/ Barack Obama

WRITE TO THE PRESIDENT

Whether you're concerned about education or just want to thank President Obama, just fill out the form below and we'll print and mail a physical copy to the Oval Office at no cost to you!

Write the President for Free!

Welcome

Think your voice doesn't have a place in the government? Think again. Now, you can write a letter directly to President Obama right from your computer. From your end, It feels just like writing an email. The difference is that when you hit "send," we'll physically print your letter, stamp it and send it off at zero cost to you. Participating in our great democracy has never been easier.

Still have questions? We've got answers. Visit our FAQs (</about.html>).

Compose Letter

Thousands of letters sent! Just start typing below and send your today.

Your Letter

Warning—We print and mail exactly what is displayed here so be sure to replace or remove the [Placeholder] data!

App.148a

WRITE A LETTER TO PRESIDENT OBAMA
February 2, 2016

Dear President Obama:

I am concerned about a few things that I believe require your attention. In particular, I'm concerned about. . . . With respect, the Commercial Airline Industry, with regards to the Health and Safety onboard for all occupants. Respectfully in specific, to the Employer's products used for Aircraft Cabin cleaning and air freshening.

This is an important issue, as it has a greater impact on society. For example . . . With great respect, Federal Law forbids hazardous materials onboard the Aircraft. Respectfully, the Materials Safety Data Sheets on these products used on Commercial aircraft, do not say "FAA approved". With great respect to you as our Most Honorable President of the United States of America, and to the Global air-travelling public (our wonderful Customers), the health and Safety to all occupants, I truly believe is an Important Issue.

In closing, I would very much appreciate your attention to this matter. . . . As with great respect to my Employer, I am a Flight Attendant for a Commercial Airline in the United States of America. Respectfully, I am a simple person trying to make a simple living. Respectfully, tomorrow, February 3, 2016, I will be attending 11 Hearings heard altogether at the Ohio industrial Commission, located at the Oliver Ocasek Building. With respect, the 11 Hearings are in regards to injury to overexposure to the Hazcom products used onboard the aircraft for cleaning and air-freshening. With great respect, your help in anyway will be incredibly and greatly appreciated.

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Thank you for your time, and with great respect, "thank you" for being an amazing President of the United States of America, where I believe hope and change have been and will continue to be a success. Thank you for keeping America safe.

Sincerely, and with the upmost respect,

Tina Alessio
330-338-7052
tinaalessio@yahoo.com

Check Out

You will receive an email notification when your letter ships and you can log into your account to check the status at any time.

Order Complete!

Your Order ID is _____. Please reference this ID when contacting support.

You will receive an email notification when your letter is mailed some time in the next 1-3 business days.

Note: If your mailing failed to process because of Incomplete Information or some other reason you may try again and will not need to pay again.

App.150a

**OSHA COMMUNICATION LETTER
(AUGUST 17, 2017)**

U.S. DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
230 South Dearborn Street, Room 3244
Chicago, Illinois 60604
(312) 353-2220

August 17, 2017

Christina Alessio
1970 North Cleveland Massillon Road
Akron, Ohio 44333

Dear Ms. Alessio:

Thank you for your correspondence to President Donald J. Trump. The Department of Labor's Occupational Safety and Health Administration (OSHA) has been assigned to respond to your inquiry regarding whether customers and crew members have the right to know the ingredients of the products used with regard to the air quality in the aircraft.

Please note that OSHA has limited authority over the working conditions of cabin crew members while they are on board aircraft in operation and OSHA does not have jurisdiction over customers or members of the public. Under this limited authority, a few of OSHA's standards may be applied, including the Hazard Communication Standard (HCS), 29 CFR 1910.1200, to the working conditions of cabin crew members (but not flight deck crew) on aircraft in operation. While OSHA does not have a standard that regulates general indoor air quality, workers potentially

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exposed to cleaning or air freshener products that are used in the aircraft in a duration and frequency more than what a typical consumer would use the cleaning or air freshener products, and thus exposed to a potential health hazard, must be included in their employer's hazard communication program. The employer's hazard communication program must include maintaining and making available safety data sheets, training employees on the hazards of the chemicals to which they are actually or potentially exposed, as well as identifying any appropriate protective measures, such as gloves for hand protection.

Therefore, where an employer does not adequately train employees on the hazards of the chemicals to which they are actually or potentially exposed, any employee may file a complaint with OSHA. I hope this answers your question regarding crew member's "right to know" about hazardous chemicals. With regard to the safety and health of air-travel customers and aircrew members not covered by OSHA, they may elect to file a complaint with the Federal Aviation Administration (FAA), which also regulates cabin air quality. Thank you again for your interest in safety and health.

Sincerely,

/s/ Ken Nishiyama Atha
Ken Nishiyama Atha
Regional Administrator

App.152a

**DEPARTMENT OF LABOR
EMAIL CORRESPONDENCE
(SEPTEMBER 12, 2017)**

Subject: Re: Your Correspondence to President Donald J.
Trump
From: Tina Alessio (tinaalessio@yahoo.com)
To: Lawless.Sonya.dol.com;
Cc: Williams.Ann@dol.gov
Date: Tuesday, September 12, 2017 4:25 PM

Good day to you.

With great respect, I just left a voicemail.

Please mail the attachments to:

Christina Alessio
1970 N. Cleveland-Massillon Rd. #589
Bath, Ohio 44210

Respectfully, I am requesting a response as to the
matter of your email and attachments.

Sincerely,

Christina

On Tuesday, September 12, 2017 11:48 AM, "Lawless,
Sonya-OSHA" <Lawless.Sonya@dol.gov> wrote:

Dear Ms. Alessio,

The OSHA Regional Office responded to your cor-
respondence to President Donald J. Trump via U.S.
mail but it was returned to our office as undeliverable

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to sender. I've attached our response along with the original addressed envelope.

Respectfully,

Sonya M. Lawless
Enforcement Programs
Region V

PLAINTIFF FILING (DOCKET 19)
(SEPTEMBER 26, 2017)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

CHRISTINA ALESSIO,

Plaintiff,

v.

UNITED AIRLINES,

Defendant.

Case No. 5:17-CV-01426

Before: Sara LIOI, Judge.,
Kathleen B. BURKE, Magistrate Judge.

Plaintiff Respectfully Submitting:

- 1.) Equal Employment Opportunity Commission's Response Letter Regarding the Freedom of Information Act Appeal for Redacted Information. Extended Due to "Unusual Circumstances", Till October 6, 2017.
- 2.) Occupational Safety and Health Administration's Copy of Plaintiffs Correspondence Letter Written for Our Honored Present President.
- 3.) Irregular Operations Report Dated September 22, 2017.

- 4.) Emails Requesting a Hard Copy of My Personal and Medical Files with Defendant. Request Denied, Instead Both Files Were Sent to Parties Responding to Complaint.

/s/ Christina Alessio

Christina Alessio

1970 N. Cleveland-Massillon Rd. #589

Bath, Ohio 44210

CERTIFICATE OF SERVICE

I do hereby certify that on September 26, 2017, a copy of EEOC's response letter regarding the FOIA Appeal for redacted information, Plaintiffs written correspondence for our present President (provided by OSHA), a new Irregular Operations Report, and emails requesting Plaintiffs personal and medical files, were with great respect filed at the Federal Courthouse, United States District Court Northern District of Ohio, with the Clerk of Courts.

Respectfully, two copies were also served by Certified Mail on September 26, 2017, to the nine collective "Individual" Defendant's Attorneys:

Natalie M. Stevens (0079963)

Heather M. Huffman(0078362)

Ogletree, Deakins, Nash, Smoak & Stewart, P .C.

127 Public Square, Suite 4100

Cleveland, Ohio 44114

With respect and for reference, the list of nine "Individual Defendants" are as followed:

United Airlines, Inc.

Mr. Oscar Munoz

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Mr. Scott Kirby
Mr. Robert Milton
Mr. Brett Hart
Mr. Sam Risoli
Ms. Mary Sturchio
Ms. Janie DeVito
Ms. Kim Piszczek

Respectfully,

/s/ Christina Alessio

Christina Alessio
Plaintiff and pro se

App.157a

**EEOC: FOIA APPEAL RESPONSE LETTER
(SEPTEMBER 20, 2017)**

**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
OFFICE OF LEGAL COUNSEL**

131 M St, N.E., Suite 4NW02F
Washington D.C. 20507
Toll Free: (877) 869-1802
TTY: (202) 663-7026
Fax: (202) 653-6034
Website: www.eeoc.gov

September 20, 2017

Ms. Christina Alessio
1970 N. Cleveland Massillon Rd. #589
Bath, OH 44210

Re: FOIA Appeal No.: 820-2017-002831A
Alessio v. United Airlines
Charge No. 532-2015-01733

Dear Ms. Alessio:

This letter is in response to your appeal under the Freedom of Information Act (FOIA), received on August 24, 2017. As provided in U.S.C. § 552(a)(6)(B) (2007), we hereby provide you with the required written notice that we are extending by ten (10) working days the time in which we shall respond. Such extension is necessary because of the following "unusual circumstances":

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- (ii) the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request;

We will respond to your request by October 06, 2017.

Sincerely,

Stephanie D. Garner
Assistant Legal Counsel
FOIA Programs
Public Liaison Line: (202) 663-4634
Email: FOIA@eeoc.gov

App.159a

**LETTER TO THE PRESIDENT
(APRIL 20, 2017)**

WHITE HOUSE AGENCY LIAISON CASEWORK
Case: 20170420-11856475

Case Information

Contact Name: Christina Alessio
Case Owner: DOL. Agency Representative
Contact Phone: (330) 338-7052
Status: Assigned to Agency
Contact Email: tinaalessio@yahoo.com
Contact Address:
1970 North Cleveland Massillon Road
Akron, Ohio 44333

Description Information

Who are you trying to contact? The President

Description: April 20, 2017

Re: Public Health and Safety with the Airline
Industry

Dear Mr. President,

Good day to you sir.

This letter comes to you with care, concern and
kindness.

With great respect, I am an American Citizen of
the United States of America and a Commercial Airline
Flight Attendant, with duties and responsibilities of
which I hold dear to my heart: to protect the people
and ensure a safe and comfortable environment.

App.160a

With great respect to my Employer, beginning in 2014, Flight Attendants were required to acknowledge a Hazard Communication Module to Company products used inside the Aircraft Cabin for cleaning and air-freshening. Respectfully, the ingredients are withheld, and the first aid procedures not an option.

Respectfully, I have communicated with my Employer and our Government Agencies (OSHA, FAA, EEOC, State Governor, State Senator, State Congress) that I believe Federal Law forbids this type of practice and use of hazards onboard the Aircraft.

Respectfully, at present I truly believe there are no Commercial Aircraft Cabin Air-Quality Standards.

With respect, do all Air-Traveler Customers and Crew Members have the right to know the ingredients of the products used, to the air we are breathing in the Aircraft Cabin, approved by the Company and Airline Industry?

Respectfully if so, may the Commercial Airlines Industry please be held and made accountable to communicate, with respect to their Customers and Crew Members, the transparency of their approved products they are choosing to use to clean and air-freshen the Aircraft Cabin, including the Material Safety Sheets and list of ingredients?

Respectfully, I am sincerely interested in your opinion.

With the utmost respect,

Christina Alessio

**IRREGULAR OPERATIONS REPORT
(SEPTEMBER 26, 2017)**

Narrative September 22, 2017

Flt 272

MCO-ORD

Aircraft was making a 'Quick Turn in Chicago. Respectfully, Aircraft was to be quickly cleaned, catered, and boarded to go out right away.

Cleaners came onboard before Customers and Crew Members could even completely deplane.

With great respect, I am communicating a safety issue because cleaners coming onboard the aircraft doing their job, were unable to speak English.

Respectfully, the cleaning and Air freshening products being used and over sprayed are with great respect, apart of the Flight Attendant Hazard Communication Module, and respectfully, I believe are in conflict with 49 U.S.C. 5124, for Customer and Crew Members health and safety onboard. Ingredients are not transparent and in reference with the air freshening: not applicable.

Respectfully, protective measures with the Flight Attendant Hazard Communication Module cleaning and Air freshening products are not an option, and no alternative measure is provided by Corporate or Management.

Respectfully since 2014, I have reached out and invited corporate and Management to please come fly with me, and no one has personally accepted my invitation.

App.162a

With great respect, I am begging all of Corporate and Management to please come fly with me. With respect, this is about Safety and Health for our Customers and Crew Members. As with great respect, I have been taught that Safety is Top Priority.

With great respect, please come fly with me.

Sincerely,

Christina

Do you have a suggested resolution to the event?

With great respect, Transparency and list of ingredients for all cleaning and air freshening products used onboard the aircraft for our Health and Safety.

App.163a

**EMAILS REQUESTING HARD COPY OF
PERSONNEL/MEDICAL FILES
(SEPTEMBER 25, 2017)**

Re: Respectfully requesting a response
Alessio, Tina

Sent: Monday, September 25, 2017 2:15 PM
To: Devito, Janie
Cc: jjarrell@unitedafa.org; Alessio, Tina

Dear Janie,

With respect, can you please ask the Legal Department with United, if I can please have a copy of my employee and medical file?

Sincerely,

Tina
Sent from my iPhone

On Sep 25, 2017, at 10:51 AM, Devito, Janie
<janie.devito@united.com> wrote:

Tina,

It means that I do not have your file.

Regards

Janie

App.164a

—Original Message—

From: Alessio, Tina
Sent: Monday, September 25, 2017 1:51 PM
To: Devito, Janie
Cc: Jarrell, Jayson; Alessio, Tina
Subject: Re: Respectfully requesting a response

Dear Janie,

Thank you for responding.

Does this mean I do not have the right to my employee and medical files with United?

Sincerely,

Tina
Sent from my iPhone

On Sep 25, 2017, at 10:46 AM, Devito, Janie
<janie.devito@united.com> wrote:

Tina,

I believe that Kim has advised you that we do not have your file available. You filed a lawsuit in July and your file was sent to the parties that are responding to your suit.

Regards
Janie

App.165a

—Original Message—

From: Alessio, Tina
Sent: Monday, September 25, 2017 1:44 PM
To: Devito, Janie; Jarrell, Jayson
Cc: Alessio, Tina
Subject: Respectfully requesting a response

Dear Janie and Jayson,

Good day to you.

With great respect, Kim is out of the office till October 4, 2017.

Respectfully, I am in need of a response from my email I just sent, about my request for a complete copy of my employee and medical files.

Respectfully, it has been 3 months (June), since my first request for a copy.

Sincerely,

Tina
Sent from my iPhone

PLAINTIFF FILING (DOCKET 20)
(OCTOBER 17, 2017)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

CHRISTINA ALESSIO,

Plaintiff,

v.

UNITED AIRLINES,

Defendant.

Case No. 5:17-CV-01426

Before: Sara LIOI, Judge,
Kathleen B. BURKE, Magistrate Judge.

Plaintiff respectfully submitting:

- 1). Equal Employment Opportunity Commission's response letter regarding my Freedom Of Information Act Appeal for redacted and withheld information in my EEOC Administrative Files, is dated October 6, 2017, and again, denied. Respectfully, is this Obstruction of Justice, seeking the truth, the whole truth and nothing but the truth? With respect, I believe a total of 12 pages are being withheld as to the matter and transparency of my case.

/s/ Christina Alessio

Christina Alessio

1970 N. Cleveland Massillon Rd. #589

Bath, OH 44210

CERTIFICATE OF SERVICE

I do hereby certify that on October 17, 2017, a respectful copy of the Equal Employment Opportunity Commission's response, from my Appeal letter requesting the redacted information withheld in my FOIA administrative EEOC charge files for transparency, insight, clarity and understanding, was received on October 13, 2017, and respectfully submitted and filed at the Federal Courthouse, United States District Court Northern District of Ohio, with the Clerk of Courts, on October 17, 2017.

Respectfully, two copies were also served by Certified Mail on October 17, 2017, to the nine collective "Individual" Defendant's Attorneys:

Natalie M. Stevens (0079963)

Heather M. Huffman (0078362)

Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

127 Public Square, Suite 4100

Cleveland, Ohio 44114

With respect and for reference, the list of nine "Individual Defendants" are as followed:

United Airlines, Inc.

Mr. Oscar Munoz

Mr. Scott Kirby

Mr. Robert Milton

Mr. Brett Hart

App.168a

Mr. Sam Risoli
Ms. Mary Sturchio
Ms. Janie DeVito
Ms. Kim Piszczek

Respectfully,

/s/ Christina Alessio
Christina Alessio
Plaintiff and Pro Se

**EEOC: FOIA APPEAL RESPONSE LETTER
(OCTOBER 6, 2017)**

**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
OFFICE OF LEGAL COUNSEL**

131 M St, N.E., Fifth Floor
Washington D.C. 20507
Toll Free: (877) 869-1802
TTY: (202) 663-7026
Fax: (202) 653-6034
Website: www.eeoc.gov

October 6, 2017

Ms. Christina Alessio
1970 N. Cleveland Massillon Rd. #589
Bath, OH 44210

Re: FOIA Appeal No.: 820-2017-002831A
Alessio v. United Airlines
Charge No. 532-2015-01733

Dear Ms. Alessio:

Your appeal under the Freedom of Information Act (FOIA) perfected on August 24, 2017 has been processed. The paragraph(s) checked below apply:

- The initial determination issued on your request is affirmed and your appeal is denied.
 - Pursuant to the FOIA Exemptions cited in the initial denial of your request.
- If you are dissatisfied with this decision, you may file a civil action in the United States district court

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in the district where you reside or have your principal place of business, where the agency records are situated, or in the District of Columbia.

As part of the 2007 FOIA amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
Room 2510
8601 Adelphi Road
College Park, MD 20740-600
E-mail: ogis@nara.gov
Telephone: (301) 837-1996
Fax: (301) 837-0348
Toll-free: 1-877-684-6448

Re: FOIA Appeal No.: 820-2017-002831A

- See the attached Comments page for further information.

Sincerely,

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/s/ Sdgarner

Stephanie D. Garner
Assistant Legal Counsel
FOIA Programs
(202) 663-4634
FOIA@eeoc.gov

Applicable Sections of the Freedom of Information Act, 5 U.S.C. § 552(b):

Exemption (b)(3)(A)(i), 5 U.S.C. § 552(b)(3)(A)(i).

Exemption (b)(5), 5 U.S.C. § 552(b)(5).

For a full description of the exemption codes, please find them at the following URL:

<https://publicportalfoiapal.eeoc.gov/palMain.aspx>.

Re: FOIA Appeal No.: 820-2017-002831A

Alessio v. United Airlines

Charge No. 532-2015-01733

Exemption (b)(3)(A)(i) to the Freedom of Information Act (FOIA), 5 U.S.C. § 552(b)(3)(A)(i) (2009), amended by the FOIA Improvement Act of 2016, Public Law No. 114-185, 130 Stat. 538, states that disclosure is not required for a matter specifically exempted from disclosure by statute . . . if that statute:

(A)(i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue:

Sections 706(b) and 709(e) of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e-5(b), 2000e-8(e) (1982), are part of such a statute. Section 706(b) provides that:

Charges shall not be made public by the Commission . . . Nothing said or done during

and as a part of [the Commission's informal endeavors at resolving charges of discrimination] may be made public

Section 709(e) of Title VII provides:

It shall be unlawful for any officer of the Commission to make public in any manner whatever any information obtained by the Commission pursuant to its authority under this section [to investigate charges of discrimination and to require employers to maintain and submit records] prior to the institution of any proceeding under this title involving such information.

Section 107 of the Americans with Disabilities Act (ADA) adopts the procedures of Sections 706 and 709 of Title VII.

See Equal Employment Opportunity Commission v. Associated Thy Goods Co., 449 U.S. 590 (1981); *Frito-Lay v. EEOC*, 964 F. Supp. 236, 239-43 (W.D. Ky. 1997); *American Centennial Insurance Co. v. United States Equal Employment Opportunity Commission*, 722 F. Supp. 180 (D.N.J. 1989); and *EEOC v. City of Milwaukee*, 54 F. Supp. 2d 885, 893 (E.D. Wis. 1999).

Information Withheld Pursuant to the Third Exemption to the FOIA: Released Documents with Redactions

1. EEO-1 Report, dated 2013. Employee breakdown redacted. One Page.

Re: FOIA Appeal No.: 820-2017-002831A

Alessio v. United Airlines

Charge No. 532-2015-01733

The Fifth Exemption to the Freedom of Information Act (FOIA), 5 U.S.C. § 552(b)(5) (2006), amended by the FOIA Improvement Act of 2016, Public Law No. 114-185, 130 Stat. 538, permits withholding documents that reflect the analyses and recommendations of EEOC personnel generated for the purpose of advising the agency of possible action. This exemption protects the agency's deliberative process, and allows nondisclosure of "inter-agency or intra-agency memorandums or letters which would not be available to a party other than an agency in litigation with the agency." 5 U.S.C. § 552(b)(5). The exemption covers internal communications that are deliberative in nature. *National Labor Relations Board v. Sears, Roebuck & Co.*, 421 U.S. 132 (1975); *Hinckley v. United States*, 140 F.3d 277 (D.C. Cir. 1998); *Mace v. EEOC*, 37 F.Supp.2d 1144 (E.D. Mo. 1999). The purpose of the deliberative process privilege is to "allow agencies freely to explore alternative avenues of action and to engage in internal debates without fear of public scrutiny." *Missouri ex. rel. Shorr v. United States Corps of Eng'rs.*, 147 F.3d 708, 710 (8th Cir. 1998).

Records may be withheld under this exemption if they were prepared prior to an agency's decision, *Wolfe v. Department of Health and Human Services*, 839 F.2d 768, 775, 776 (D.C. Cir. 1988) (en banc) and for the purpose of assisting the agency decision maker. *First Eastern Corp. v. Mainwaring*, 21 F.3d 465, 468 (D.C. Cir. 1994). See also, *Greyson v. McKenna & Cuneo and EEOC*, 879 F. Supp. 1065, 1068, 1069 (D. Colo. 1995). Records may also be withheld to the extent they

reflect “selective facts” compiled by the agency to assist in the decision making process. *A. Michael's Piano, Inc. v. Federal Trade Commission*, 18 F.3d 138 (2d Cir. 1994). An agency may also withhold records to the extent that they contain factual information already obtained by a requester through prior disclosure. *See Mapother, Nevas, et al. v. Dept. of Justice*, 3 F.3d 1533 (D.C. Cir. 1993).

Information Withheld Pursuant to the Fifth Exemption to the FOIA: Released Documents with Redactions

1. Recommendation for Closure Form, dated April 20, 2017. Section on Recommendation for Dismissal/Closure and the Investigator's analysis consisting of 21 lines were redacted. One Page.
2. PCHP Assessment Factors Form, dated July 22, 2015. Eight processing selection categories, “Justification for Assessment,” the Supervisor's Review, and two “Reason” boxes were redacted. Three Pages.
3. Charge Detail Inquiry Form, dated July 22, 2015. Processing codes and attributes redacted—three lines. Two pages.
4. Charge Detail Inquiry Form, dated April 19, 2017. Processing codes and attributes redacted—nine lines. Note for 11/22/2016 consisting of the investigator's impressions redacted eight lines. Note for 1/19/2017 consisting of the investigator's impression/analysis redacted—one line. Note for 4/19/2017 consisting of the investigator's impression/analysis redacted—one line. Five pages.

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Re: FOIA Appeal No.: 820-2017-002831A
Alessio v. United Airlines
Charge No. 532-2015-01733

COMMENTS PAGE

On appeal, we are affirming the withholding of certain information by the Philadelphia District Office.

Exemption (b)(3) prohibits the EEOC from disclosing any information obtained by the Commission pursuant to its authority to investigate charges of discrimination and to require employers to maintain and submit records. The following document was released to you with the described information redacted.

1. EEO-1 Report, dated 2013. Respondent's employee breakdown redacted. One Page.

Exemption (b)(5) permits withholding information that reflects the EEOC's pre-decisional analysis, impressions, and recommendations on the charge. The following documents were released to you with the information described below redacted.

1. Recommendation for Closure Form, dated April 20, 2017. Section on Recommendation for Dismissal/Closure and the Investigator's analysis consisting of 21 lines were redacted. One Page.
2. PCHP Assessment Factors Form, dated July 22, 2015. Eight processing selection categories, "Justification for Assessment," the Supervisor's Review, and two "Reason" boxes were redacted. Three Pages.

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3. Charge Detail Inquiry Form, dated July 22, 2015. Processing codes and attributes redacted-three lines. Two pages.
4. Charge Detail Inquiry Form, dated April 19, 2017. Processing codes and attributes redacted-nine lines. Notes for 11/22/2016 consisting of the investigator's impressions redacted—eight lines. Note for 1/19/2017 consisting of the investigator's impression/analysis redacted—one line. Note for 4/19/2017 consisting of the investigator's impression/analysis redacted one line. Five pages.

We hope that this information is helpful.

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PLAINTIFF FILING (DOCKET 21)
(OCTOBER 25, 2017)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

CHRISTINA ALESSIO,

Plaintiff,

v.

UNITED AIRLINES,

Defendant.

Case No. 5:17-CV-01426

Before: Sara LIOTI, Judge,
Kathleen B. BURKE, Magistrate Judge.

Plaintiff respectfully submitting:

- 1). Letter from Defendants Legal Representative regarding my medical and personal files.
- 2). Respectful Letter Response to the Defendants Legal Representative of missing information in my medical file.
- 3). Medical CD file for transparency to my case.
- 4). Past Work Injury claims on CD for further transparency and clarity to my case.

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/s/ Christina Alessio

Christina Alessio
1970 N. Cleveland Massillon Rd. #589
Bath, OH 44210

CERTIFICATE OF SERVICE

I do hereby certify that on October 25, 2017, the following has been respectfully submitted and filed at the Federal Courthouse, United States District Court Northern District of Ohio, with the Clerk of Courts. 1). A respectful copy of a letter from the Defendants Legal Representative regarding my medical and personal files. 2). A respectful letter to the Defendants Legal Representative of missing information in my medical file. 3). Medical CD file for transparency to my case. My personal file is still being denied for transparency. 4). Past Work Injury Claims on CD, with Legal Representation.

Respectfully, two copies were also served by Certified Mail on October 25, 2017, to the nine collective "Individual" Defendant's Attorneys:

Natalie M. Stevens (0079963)
Heather M. Huffman (0078362)
Ogletree, Deakins, Nash, Smoak & Stewart, P.C.
127 Public Square, Suite 4100
Cleveland, Ohio 44114

With respect and for reference, the list of nine "Individual Defendants" are as followed:

United Airlines, Inc.
Mr. Oscar Munoz
Mr. Scott Kirby
Mr. Robert Milton

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Mr. Brett Hart
Mr. Sam Risoli
Ms. Mary Sturchio
Ms. Janie DeVito
Ms. Kim Piszczek

/s/ Christina Alessio
Christina Alessio
Plaintiff and Pro Se

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**LETTER FROM DEFENDANTS
LEGAL REPRESENTATIVE
(OCTOBER 20, 2017)**

OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.
ATTORNEYS AT LAW

Key Tower
127 Public Square, Suite 4100
Cleveland, OH 44114
Telephone: 216.241.6100
Facsimile: 216.357.4733
www.ogletree.com

Heather M. Huffman
216.274.6913
heather.huffman@ogletree.com

October 20, 2017

VIA FEDEX

Christina Alessio
1970 N. Cleveland-Massillon Rd #589
Bath, Ohio 44210

RE: *Christina M Alessio v. United Airlines, Inc.*
United States District Court, Northern Dis-
trict of Ohio, Case No. 5:17-cv-1426

Dear Ms. Alessio:

The undersigned law firm is in receipt of your September 25, 2017 email communication directed to United Airlines, Inc. ("United"), in which you requested a copy of your personnel file and medical file, which you filed with the Court in the referenced matter as ECF No. 19.

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In response to your request, enclosed is a CD containing a copy of your medical file, which has been bates-labeled UNITED000001-202 for ease of reference.

Please note that neither Ohio nor Federal law requires an employer to provide an employee a copy of their personnel file. However, United will consider your request for a copy of your personnel file as a request for production of documents pursuant to Rule 34 of the Federal Rules of Civil Procedure in the referenced matter, and will respond to that request if and when discovery is permitted to proceed in the referenced matter.

Very truly yours,

/s/ Heather M. Huffman
Heather M. Huffman

LETTER RESPONSE TO DEFENDANTS
LEGAL REPRESENTATIVE
(OCTOBER 25, 2017)

October 25, 2017

RE: *Christina Alessio, v. United Airlines, Inc.*
United States District Court, Northern District of
Ohio, Case 5:17-cv-01426-SL.

Dear Ms. Huffman,

Good day to you.

This letter comes to you with care, concern and kindness.

With respect, I received your letter and CD in the mail on October 24, 2017.

Respectfully, I did request both my personal and medical files. The CD was only my medical file. With great respect, there is missing information in my medical file of which I would like to note for the record:

Injury 5/19/2010, is noted on page UNITED000179 on your copy of my medical file CD. The pages that follow are with great respect documents communicating a safety concern. Please note some of these documents provided, date back to the year 2006.

Hearing 6/29/2010, (Claim #10-824071) was in regards to an aerosol spray air freshener used in the aircraft cabin. I was without an attorney and communicated my concern of chemical use in the aircraft cabin. The claim was disallowed, and the product was removed for aircraft cabin use.

Injury 7/13/2010, is noted on pages UNITED 000001-UNITED000007 on your copy of my medical

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file CD. This injury was due to a hard landing which gave me 3 herniated discs. With respect, what was present in your copy of my medical file CD, were photographs of the Customer First Class, Coach and Pilot seats.

With great respect what was not present and missing on your copy of my medical file CD was the photograph of the Flight Attendant Jump seat. With respect, the most important seat due to the cause of my injury. Respectfully, the booklet with photographs I provided to my Manager, Janie DeVito, also included the Flight Attendant Jump seat. Respectfully, the Flight Attendant Jump seat is a retractable one inch metal seat with very little padding.

Respectfully, I believe this information communicated to be of great important as to the contents of my medical file of which you have provided.

I will be with great respect, submitting your CD copy of my medical file to the Federal Court for further transparency to my case.

Thank you.

Sincerely,

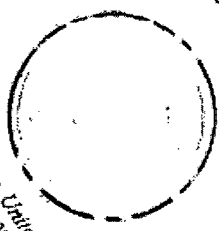
/s/ Christina Alessio

Christina Alessio

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IMAGE OF MEDICAL CD

Ugletree
Deakins



Christina M. Alessio v. United Airlines, Inc.
UNITED000001-202
October 20, 2017
1741426

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**FEDEX RECORD OF DELIVERY OF CDS
(OCTOBER 25, 2017)**

Digital Files Enclosed

CD COPY OF USB

Company Name: Christina Alessio v United Airlines, Inc.

Contact Person: Nuremberg Paris CD Copy from USB

Phone: _____ Date: _____

File Name: _____ Date Created: October 25, 2017

Filed:

CAFE 5:17-cv-01426-SL

fedex.com 1.800.GoFedEx 1.800.463.3339

4

Digital Files Enclosed: CD copy of USB

Company Name:

Christina Alessio v United Airlines Inc.

Company Person: Nuremberg Paris CD Copy from USB

Date Created: October 25, 2017

Filed: Case: 5:17-cv-01426-SL

Fedex.com 1.800.GoFedEx 1.800.463.3339

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ORIGINAL
USB

Digital Files Enclosed

Company Name: Christina Alessio v United Airlines, Inc.
Contact Person: Nurenborg Paris USB
Phone: _____ Date: _____
File Name: _____ Date Created: _____
Filed: October 25, 2017

CASE 5:17-cv-01426-SL
fedex.com 1.800.GoFedEx 1.800.463.3339

4

Digital Files Enclosed: Original USB

Company Name:

Christina Alessio v United Airlines Inc.

Company Person: Nurenborg Paris USB

Filed: October 25, 2017

Filed: Case: 5:17-cv-01426-SL

Fedex.com 1.800.GoFedEx 1.800.463.3339

PLAINTIFF FILING (DOCKET 22)
(NOVEMBER 3, 2017)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

CHRISTINA ALESSIO,

Plaintiff,

v.

UNITED AIRLINES,

Defendant.

Case No. 5:17-CV-01426

Before: Sara LIOI, Judge.,
Kathleen B. BURKE, Magistrate Judge.

Plaintiff respectfully submitting:

- 1). Respectful emails to my Inflight Management, requesting a copy of my entire personal file, beginning with date of hire-8/13/1998.

As per my Union: the Association of Flight Attendants, I believe Flight Attendants are entitled to a copy of their personal file. A first respectful request was made for information in my personal file before compliant filed: 7/7/2017. In specific, 2/24/2016, CPR Work Injury emails. Respectfully requesting my entire personal file, for complete transparency to the matters of my case.

/s/ Christina Alessio

Christina Alessio

1970 N. Cleveland Massillon Rd. #589

Bath, OH 44210

CERTIFICATE OF SERVICE

I do hereby certify that on November 3, 2017, the following respectful emails were submitted and filed at the Federal Courthouse, United States District Court Northern District of Ohio, with the Clerk of Courts.

- Respectful emails regarding the request for a copy of my entire personal file, from date of hire
- 8/13/1998.

Respectfully, two copies were also served by Certified Mail on November 3, 2017, to the nine collective "Individual" Defendant's Attorneys:

Natalie M. Stevens (0079963)

Heather M. Huffman (0078362)

Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

127 Public Square, Suite 4100

Cleveland, Ohio 44114

With respect and for reference, the list of nine "Individual Defendants" are as followed:

United Airlines, Inc.

Mr. Oscar Munoz

Mr. Scott Kirby

Mr. Robert Milton

Mr. Brett Hart

Mr. Sam Risoli

Ms. Mary Sturchio

App.189a

Ms. Janie OeVito
Ms. Kim Piszczek

/s/ Christina Alessio

Christina Alessio
Plaintiff and Pro Se

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**EMAILS INCLUDING:
INFLIGHT MANAGEMENT AND
CLEVELAND AFA UNION PRESIDENT
(NOVEMBER 3, 2017)**

Re: Personal File

Alessio, Tina

Sent: Friday, October 27, 2017 1:53 PM

To: Piszczek, Kimberly

Cc: Devito, Janie; jjarell@unitedafa.org; Alessio, Tina

Dear Kim,

Good day to you.

With great respect, can you please request a copy of my personal file from United's Legal Representatives, Ms. Heather Huffman and Ms. Natalie Stevens?

Respectfully, I have been patiently waiting for many months now to receive a copy of my entire personal file, since date of hire 8/13/1998. With respect, my 1st request was well before Ms. Huffman and Ms. Stevens requested my personal file.

With respect, I believe our Association of Flight Attendants Union Contract gives us the right to this information.

Respectfully I am concerned, was a complete "copy" or my "original" personal file given to Ms. Huffman and Ms. Stevens?

With respect, has United Airlines retained my original complete personal file? Respectfully, if so why is my request to receive a copy taking so long?

Look forward to hearing from you soon.

App.191a

Sincerely,

Tina
Sent from my iPhone

On Oct 25, 2017, at 1:22 PM, Piszczek, Kimberly
<kimberly.piszczek@united.com> wrote:

Hi Tina, Your personal File has not been returned to CLE yet. I will be sure to watch for it and advise you when it is received.

Kim

From: Alessio, Tina
Sent: Tuesday, October 24, 2017 9:26 PM
To: Piszczek, Kimberly
Cc: Devito, Janie; Jarrell, Jayson; Alessio, Tina
Subject: Personal File
RE: Request for my Personal File

October 24, 2017

Dear Kim,

With great respect, I received my medical file from United's Legal Representation.

Respectfully, I am requesting from my Supervisor a copy of my personal file.

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With great respect, I believe the Association of Flight Attendants Union Contract states that we are entitled to a copy of our personal file.

Thank you for your understanding.

Hope to hear from you soon.

Sincerely,

Tina
Sent from my iPhone

here's both emails
jjarrell@unitedafa.org
Sent: Wednesday, November 01, 2017 4:25 PM
To: Alessio, Tina

—Original Message—

From: "Piszczeck, Kimberly"
<kimberly.piszczeck@united.com>
Sent: Wednesday, November 1, 2017 7:04am
To: "Jayson Jarrell" <jjarrell@unitedafa.org>
Subject: RE: Tina's file

No I told her I would watch for it and let her know when it gets here

—Original Message—

From: Jayson Jarrell [mailto:jjarrell@unitedafa.org]
Sent: Tuesday, October 31, 2017 6:29 PM
To: Piszczeck, Kimberly
Subject: Tina's file

Hey Kim—hope you are well

App.193a

Do you have any idea when Tina's file will be back in base so she can get copies of what she needs?

Thanks for any info you may have to help Jayson Jarrell AFA/CWA 63 Cleveland President

Re: PERSONAL FILE

Jarrell, Jayson

Sent: Wednesday, November 01, 2017 4:37 PM

To: Alessio, Tina

Hi Tina I sent you the email communication from Kim about the file. As we spoke on the phone last night you do have the option to file a grievance if you feel there is a violation to your CBA.

To do so you can go to unitedafa.org

Go under forms and fill out a local council worksheet that will start the grievance process for you. I know you said you didn't want to go that route and that's fine but that is your right should you choose to.

Please also keep in mind I rarely and I mean rarely check this box as it is a company email

Please use JJARRELL@unitedafa.org for any union communication

Thank you

Jayson Jarrell
Sent from my iPhone

On Oct 31, 2017, at 10:45 AM, Alessio, Tina
<Tina.Alessio@united.com> wrote:

App.194a

RE: Personal File

Dear Jayson,

Good day to you.

With great respect to you as our Union President in Cleveland, Ohio, with the Association of Flight Attendants for United Airlines, I would like to follow up with you regarding my Personal File.

Respectfully, I have reached out to my Supervisor, Ms. Kim Piszczek, requesting a copy of my Personal File. With respect, her response was that my Personal File had not been returned to CLE yet.

With respect, on Friday, October 27, 2017, I replied back with an email to my Supervisor, of which you were respectfully added to the email for clarity.

With respect, I have made follow up phone calls to you with respectful messages communicating the concern of my request and have not heard back from you.

Respectfully, I believe our Joint Collective Bargaining Agreement regarding PERSONAL FILES, states that our Personal File is not to leave the base, and that it is to be secured (Section 22, B.1.).

Will you please follow up with me?

Sincerely,

Tina
Sent from my iPhone

Personnel File

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Alessio Tina

Sent: Wednesday, November 01, 2017 6:33 PM

To: JJARRELL@unitedafa.org

Cc: Devito, Janie; Piszczek, Kimberly; Alessio, Tina

Dear Jayson,

Thank you for your assistance.

With great respect, I received your communication emails with my Supervisor, Ms. Kim Piszczek, regarding my Personnel File.

Respectfully, it is disappointing that neither United or the Association of Flight Attendants has access to my original Personnel File. With respect, information with my employment with United, since my hire date in 1998.

With respect, I believe it has been a few months now that my Personnel File has been offsite from the Cleveland Flight Attendant's Base.

With respect for reference, I believe our Association of Flight Attendant's Joint Collective Bargaining Agreement with United, Section 22, B.1., states:

"The Company shall maintain a Flight Attendant's personnel file in the Flight Attendant's Base. Personnel files shall be maintained in a secure manner."

Respectfully, I am patiently waiting to hear back from my Supervisor, as to when my Personnel File will return back to the Cleveland Base.

Look forward to hearing from her soon.

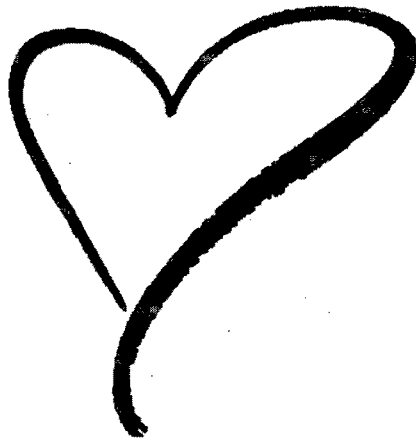
With respect,

App.196a

Tina
Sent from my iPhone

App.197a

AMERICA, THE JURY
FIRST SEQUEL



WITH GREAT RESPECT, THIS HAS BEEN
A TRUE LIFE EXPERIENCE

THIS BOOK IS RESPECTFULLY BEING DEDICATED TO:

MY MOST LOVING, WISE AND HONORED MOTHER AND FATHER, WHO ALWAYS TAUGHT LOVE ONE ANOTHER AND LEAD BY EXAMPLE, WITH VERY SIMPLE SHARED LIFE PRINCIPLES: IT'S EITHER RIGHT OR WRONG, AND FOLLOW THE LAW.

MY FAMILY AND FRIENDS, YOU ARE SPECIAL.

MY EMPLOYER, CO-WORKERS, AND CUSTOMERS, YOU ARE FAMILY.

MY EMPLOYER, THANK YOU FOR PROVIDING SIMPLE SHARED GUIDELINES FOR WORKING TOGETHER: TO ENCOURAGE HONEST, OPEN AND DIRECT COMMUNICATION, WITH RESPECT AND DIGNITY.

THE ENTIRE GLOBAL AIR-TRAVELING PUBLIC, YOU ARE UNIQUE AND SPECIAL TO ME. UNIQUE AND SPECIAL, IN THAT WE ALL TRAVEL BY AIR IN OUR INCREDIBLE EARTH'S ATMOSPHERE. AMAZING!

*"Finally, brethren, whatsoever things are true,
 whosoever things are honest,
 whosoever things are just,
 whosoever things are pure,
 whosoever things are lovely,
 whosoever things are of good report,
if there be any virtue, and there be any praise,
 think on these things."*

Philippians 4:8 KJV

PREFACE:

THE HEARING PROCESS FOR A CLAIM – REVIEW:

“**Claim**”: Stating Something Is True When Some People May Say That It Is Not True.

“**Pro Se**”: A Person Defending Oneself, Without an Attorney.

A NEW WORD ADDED IN FIRST SEQUEL:

“**Errata**”: A List of Errors Discovered After Print, Such as Misspellings.

As an Attorney Pro Se, I Have Learned There Are Three Levels in Which a Claim Is Allowed to Be Heard:

1. District
2. Staff
3. Commission

With Great Respect, What You Are About to Read and Witness, Are Both the District and Staff Hearings Which Were Court Reported and of Public Record.

After Each Hearing, Record of Proceedings Either Allows or Disallows the Claim.

Important Note: When Reading the Public Court Report Records, It Is Highly Recommended to Make a Mark from the “Errata”, on Each “Page by Line”, Which State Respectfully, to Corrections (Example: Misspelled Words) and Clarification.

With Great Respect, You Are Now Considered:

America, The Jury . . .

CHAPTER ONE
DISTRICT HEARING — COURT REPORT
(APRIL 20, 2018)¹

OHIO INDUSTRIAL COMMISSION

NOTICE OF HEARING

Claim heard: #15-859117, #15-863145, #15-863147,
#16-816267, #16-816266

Oliver Ocasek Building
161 S. High Street Suite 301
Floor 3rd, Room 4
Akron, Ohio 44308
April 20, 2018 at 1:30 p.m.

ISSUES TO BE HEARD:

1) Injury or Occupational Disease Allowance

¹ Errata in the original transcript have been noted in the body of the text.

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BEFORE THE
INDUSTRIAL COMMISSION OF OHIO

CHRISTINA ALESSIO,

Claimant,

v.

UNITED AIRLINES, INC.

Employer.

Claim No. 15-859117, 15-863145,
15-863147, 16-816267, 16-816266,

BE IT REMEMBERED, that upon the hearing of the above-entitled matter, held at the Akron Industrial Commission, Oliver Ocasek Building, 161 South High Street, 3rd Floor, Room 4, Akron, Ohio, before the District Hearing Officer T. Steele, Presiding, and commencing on Friday, the 20th day of April, 2018, at 1:30 o'clock p.m., at which time the following proceedings were had.

APPEARANCES:

On Behalf of the Claimant:

(Pro Se) Christina Alessio
(Redacted per the Claimant's request.)

On Behalf of the Employer:

VORYS, SATER, SEYMOUR AND PEASE, LLP

By: Margaret D. Everett, Attorney at Law
200 Public Square
Suite 1400
Cleveland, Ohio 44114
216/479-6102
Mdeverett@vorys.com

HEARING OFFICER: Good afternoon, Ms. Alessio.

MS. ALESSIO: Good afternoon, Your Honor Steele.

HEARING OFFICER: I am Mrs. Steele, the Hearing Officer for today. And this is Ms. Everett. She is here on behalf of your Employer. You know Ms. Wheat.

So we will start with having Ms. Wheat swear you in.

CHRISTINA ALESSIO

of lawful age, the Claimant herein, having been first duly sworn, as hereinafter certified, and testified as follows:

HEARING OFFICER: Okay. We are here on several different claims today. Ms. Alessio, where would you like to start?

MS. ALESSIO: Yes, ma'am. I have an opening statement.

HEARING OFFICER: I am sorry. Can you speak up just a little bit, please?

MS. ALESSIO: I am sorry?

HEARING OFFICER: A little louder, please.

MS. ALESSIO: Yes, ma'am. I have an opening statement.

{ Thereupon, the following opening statement
was read by Ms. Alessio as follows: }

MS. ALESSIO: I would like to begin my Opening Statement by acknowledging the presence of our Great American Flag in our hearing room today, by standing with my right hand over my heart for the love of our Country, and gratefully recite: "The Pledge of Allegiance". Please, feel welcome to join."

I pledge allegiance to the flag of the United States of America, and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

"With respect, I would also like to take this opportunity to thank the District Hearing Officer Steele, my Employers Legal Representative, Ms. Margaret Everett, and today's hearing Court Reporter Jerri Wheat.

"Thank you all for your time today.

"My Closing Statement will take less than one minute. Therefore, my Opening Statement will continue."

HEARING OFFICER: Okay.

MS. ALESSIO: "In my introduction and with great respect to my Employer, the following 8 individuals whom I will refer to as my "Superiors", have always been welcome to my hearings as with great respect this is about situational awareness and communication regarding the Aircraft Cabin Environment to avoid any and all injury/illness with respect to Health, Welfare, Safety and

Security, for First Responder Inflight Crew Members, like myself and our very valuable Air-Traveling Customers.

“YOUR HONOR and with respect, the list of my ‘Superiors’ are mentioned by Name and Job Title in my last Public Court Reported Staff Hearing, January 30, 2018, under Claim #'s: 15-859117, 15-863145, and 15-863147.

“Respectfully, the NOTICE OF HEARING heard that day was with respect to and I quote: ‘SUBPOENA-RECORDS’, and was denied.

“With great respect to my ‘Superiors’, I truly believe and cannot express enough that this hearing is about caring and sharing the truth, about the Chemical Substance Environment in the Aircraft Cabin to avoid any and all injury/illness, whether it be a First Responder Inflight Crew Member, like myself or our most valuable Air-Traveling Customers.

“YOUR HONOR and with respect, todays District Hearing is to communicate on the record with Credible Medical Evidence, as well as Definition, Facts and The Rule of Law, for 5 Work Injury Claims which under oath, I believe have merit for allowance, and to communicate a respectful request for change. Respectfully, change for updating outdated 1967 Chemical Substance Air Fresheners and Chemical Substance Cleaning Products, to be made 100 percent safe and 100 percent transparent with complete list of ingredients, including fragrance, made available for a healthful Aircraft Cabin Air Quality Environment.

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"With great respect, and no pun intended this is about: 'Healthcare in the Air'.

"NOTICE OF HEARING states the ISSUES TO BE HEARD today:

1) Injury Or Occupational Disease Allowance."

"To be clear and for the record, there have been 14 disallowed Work Injury Claims, heard to date.

"Respectfully, for today's hearing all 14 Work Injury Claims heard to date have been requested to be 'heard with', todays 5 Work Injury Claims, per my Employers Legal Representative.

"To be clear and for the record, the '14th' Work Injury that was last heard is reference Claim: #16-807292, date of injury February 24, 2016.

"Please note: This Work Injury last heard was not due to Chemical Substances in the Aircraft Cabin Environment, but to an injury of bilateral sprain hands and wrists while performing to a new 2016 CPR validation testing performance expectation required by my Employer, to remain qualified to fly. Respectfully, both District and Staff Hearings were Court Reported and are of Public Record. Respectfully, my appeal to be heard at the Commission level was reviewed, and refused. Claim was disallowed.

"Of the 14 Work Injuries heard and disallowed, 13 are Environmental Health and Safety concerns from Chemical Substance Air Fresheners and Chemical Substance Cleaning Products used inside the Aircraft Cabin, with no protective measures.

"To be clear and for the record, the 5 Work Injury Claims heard here today, 3 are injuries from 2015 and 2 injuries are from 2016, which were previously dismissed without prejudice to be heard at a later date, within the 2 year statutory time frame.

"With respect, the following 5 Work Injury Claim numbers heard here today will be referred to by Claim number and/or the number of order in which I was injured due to Chemical Substances in the Aircraft Cabin Environment that have, Credible Medical Evidence, for reference.

"YOUR HONOR and with respect,

"The First of 5: Claim #15-859117 may also be referred to as #14. The 14th time I was injured at work by Chemical Substances used in the Aircraft Cabin Environment with no protective measures, supported by Credible Medical Evidence.

"The Second of 5: Claim #15-863145, is #15.

"Please note: Work Injuries #14 and #15 took place on the same work trip.

"The Third of 5: Claim #15-863147, is #16.

"The Fourth of 5: Claim #16-816267, is #17.

"And the Fifth of 5: Claim #16-816266, is #18. The 18th time I was injured by Chemical Substances used in the Aircraft Cabin Environment, with no protective measures supported by Credible Medical Evidence.

"Please note: Work Injuries #17 and #18 took place on the same work trip.

"With great respect to my 'Superiors', Product Liability, Accountability and Transparency, relating to Environmental Work Injuries, from Aircraft Cabin Chemical Substance Air Fresheners and Chemical Substance Cleaning Products, are communicated from the Material Safety Data Sheets which were Subpoenaed, December 4, 2015. The Subpoena Response is respectfully under reference Claim #15-855426, dated January 7, 2016. The Environmental Health and Safety concern about the following subpoenaed products were further communicated under oath for transparency, on January 30, 2018, in the Public Court Reported Staff Hearing, under Work Injury Claims: #15-859117, 15-863145 and 15-863147. Respectfully, the NOTICE OF HEARING issue heard that day was with respect to and I quote: 'SUBPOENA-RECORDS', unquote, and was denied.

"YOUR HONOR and with great respect, for today's District Hearing and the information provided on the First Report of Injury, the following Subpoenaed Aircraft Cabin Environment products will be referred to by number for reference and summary:

"Chemical Substance Product #1, will be in reference to the Aircraft Cabin Environment Chemical Flight Fresh Deodorant Disc Air Fresheners. Substance/Ingredients state 'Not applicable'. This product was discontinued in October of 2014. Purpose of this Chemical Substance Product was to freshen the air we breathe in the Aircraft Cabin Environment.

"Chemical Substance Product #2, will be in reference to the Aircraft Cabin Environment Chemical

JetScent Pump Spray Air Freshener. Substance/Ingredients state 'Not applicable'. This product is provided and required by my Employer. The purpose of this Chemical Substance Product is to freshen the air we breathe in the Aircraft Cabin Lavatory.

"Chemical Substance Product #3, will be in reference to the Aircraft Cabin Environment Chemical #3 Sanitizer Spray Cleaner. This product is provided by my Employer, and states a "2" health hazard rating level on the product label. As I understand, a level "2" is a moderate health hazard. Purpose of this Chemical Substance Product is to clean the Aircraft Cabin Environment.

"Chemical Substance Product #4, will be in reference to the Aircraft Cabin Environment Chemical Fragrant Lavatory Hand Soaps. Substance/Ingredients state 'Not applicable'. Under Mixtures the Ingredients state: 'Triclosan'. This product is provided by my Employer. The purpose of this Chemical Substance Fragrant Hand Soap is for Inflight Crew Member and Air-Traveling Customer use, in the Aircraft Cabin Lavatory.

"With great respect to my 'Superiors', my Environmental Work Injuries heard here today is a hearing for 'Healthcare in the Air' for all Inflight Crew Members and Air-Traveling Customers. Respectfully, as a First Responder in the Air, this is about the Health, Welfare, Safety and Security in the Aircraft Cabin for the Whole Global Air-Traveling Public.

"As a Commercial Airlines Flight Attendant, my wonderful Career gives me the opportunity to

truly care about People, especially in my work environment. I take to heart the Flight Attendant Safety Obligation, which is to ensure a safe and comfortable Environment, for all onboard.

"As a loyal, dedicated and committed Flight Attendant, I respect the decisions and opinions of my 'Superiors', follow their instructions and directions to the best of my ability, as well as the Company Policies and Procedures. With dignity and respect, I have been reporting and reaching out to, and up through the leadership chain promptly with my 'Superiors', to what I believe is an Environmental Health and Safety concern in the Aircraft Cabin.

"See Something, Say Something'.

"Respectfully, I believe verification and certification is needed that the use of Chemical Substance Products in the Aircraft Cabin Environment is with great respect, following The Rule of Law.

"The Rule of Law of which I am referring to is a Federal Law. A law which states in part and I quote: 'Federal law forbids the carriage of hazardous materials aboard aircraft, [*sic* "onboard aircraft"] in your luggage or on your person. A violation can result in 5 years imprisonment and penalties of \$250,000 or more (49 U.S.C. 5124). Hazardous materials include, and I further quote in part, 'poisons'.

"FACT: Definition of the word 'poison':

"Poison is a substance that can cause harm or injury to people.

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"With great respect to my 'Superiors', the Company through the Safety Management System (SMS), describe a hazard as an object or a condition with the potential to cause harm.

"With great respect to my 'Superiors', I believe the need to continue to communicate that the Chemical Substance Air Fresheners and Chemical Substance Cleaning Products used in the, Aircraft Cabin Environment, with no protective measures, is not only a Safety concern but a Health, Welfare and Security concern, for all Inflight Crew Members and Air-Traveling Customers aboard.

"Respectfully, I believe you are a product of your Environment.

"Respectfully, my 'Superiors' work on the ground and not in the air. With great respect and due to this distinct fact, I have reached out and invited my 'Superiors' to please come fly with me.

"Respectfully, my 'Superiors' communicate the responsibility and role for a Flight Attendant, is to report hazards for corrective action to create a Safe Environment.

"With respect, my 'Superiors' also communicate in our Safety Policy that the safety, welfare and health of our Employees and Customers are very important. With dignity and respect, we all share in the responsibility of running a safe operation and maintaining a safe and healthful workplace.

"With respect, our Policies and Procedures Manual further communicates Flight Attendants are responsible to work safely and promptly report

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any concerns up the leadership chain, until resolved.

"With respect, the introduction to my hearing here today can be summarized and thoughtfully communicated, through my 'Superiors', Safety Management System (SMS), that there is no value, more important than Safety.

"The Summary of my 5 Environmental Work Injury Claims:

"Begins respectfully, on November 26, 2015, when I unexpectedly was honored to meet acting President and CEO, at that time, and now presently he is 'Superior', EVP Chief Administrative Officer and General Counsel. My 'Superior' was present in the Chicago's Crew Room Cafeteria. Respectfully, I took the opportunity to walk up to him, introduce myself and in shaking his hand, communicate in utilizing our Working Together Guidelines (to foster open, honest and direct communication), what I believed to be a safety concern. Respectfully, my conscience led me to communicate our Aircraft Cabin Chemical Cleaning and Air-Freshening products. Our conversation was friendly and concluded respectfully, that our Aircraft Cabin Air Quality matters. With great respect, it was an honor to meet my 'Superior' and grateful to be able to share this valuable safety information with him that day.

"Respectfully, my experience with my 'Superior', is documented in my Irregular Operations Report (IOR) #32124, which has been respectfully submitted with the Ohio Industrial Commission.

"My 5 Environmental Work Injury Claims heard here today are the following:

"The First of 5, is Claim #15-859117 which is #14 Environmental Work Injury.

"Date of Injury, November 27, 2015.

"The First Report of Injury communicates when boarding the Aircraft, the Chemical Substance Product #1 (a 2000—2014 discontinued Air Freshener), [*sic* "Chemical Substance Product #1 (a 2014 discontinued Air Freshener)"] Chemical Substance Product #2 Air Freshener Spray (to freshen the air we breathe in the Aircraft Cabin), Chemical Substance Product #3 Cleaner (a health hazard, per label), and Chemical Substance Product #4 Triclosan Fragrant Hand Soap, were all respectfully, aboard the aircraft.

The Second of 5, is Claim #15-863145 which is #15 Environmental Work Injury.

"Date of Injury, November 28, 2015. Just one day later.

"The First Report of Injury communicates when boarding the Aircraft, the Chemical Substance Product #1 (a 2014 discontinued Air Freshener), and Chemical Substance Product #3 Cleaner (a health hazard, per label), were aboard the aircraft.

"Please note: Both Work Injuries #14 and #15 occurred on the same work trip.

"THE CREDIBLE MEDICAL EVIDENCE:

"Is when with respect, on November 28, 2015 at 8 am, I went to the United Airlines Employee Medical Facility at the Houston Airport, where

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the Exam notes state and I quote in part: 'swelling and rash B hands and wrists due to exposure to cleaning products/chemicals on aircraft'.

"I was discharged and sent home. The Employee Status Form states and I quote: 'Description of Injury: Chemical contact dermatitis with RA flare-up (B hands)'.

"Follow-up instructions were to see my Worker's Compensation Doctor in Ohio.

"The Worker's Compensation Claim Information is written by the Occupational Medicine Doctor, dated December 1, 2015. MEDCO 14 Physician's Report of Work Ability form, notes state in part and I quote: 'Irritant contact dermatitis B hands'.

"B hands MPs, PIPs, and DIPS are swollen and tender w/ weak grip'.

"Follow-up appointment was on December 8, 2015, where I was released back to work, full duty.

"MEDCO 14 Physicians' Report of Work Ability form notes state in part and I quote: 'Hands improved. Full use' and 'No restriction full Duty'.

"The Third of 5, is Claim #15-863147 which is #16 Environmental Work Injury.

"Date of Injury, December 20, 2015.

"The First Report of Injury communicates when boarding the Aircraft, the Chemical Substance Product #2 Air Freshener Spray (to freshen the air we breathe in the Aircraft Cabin) and Chemical Substance Product #3 Cleaner (a health hazard, per label) were aboard the aircraft.

"The CREDIBLE MEDICAL EVIDENCE:

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"Is when with respect, on December 20, 2015 at 7:42am, I went to the United Airlines Employee Medical Facility at the Houston Airport, where I communicated swelling with pain and redness in both wrists and hands with resurfacing of rash on both hands. I was discharged from my work trip and sent home, again.

"The Worker's Compensation Claim Information written by the Occupational Medicine Doctor, is dated December 21, 2015. MEDCO 14 Physician's Report of Work Ability form notes state in part and I quote: 'Irritant Contact Derm' and 'Swelling over MCPs, Tender w/ slight rash, poor strength on squeeze/grip'.

"The Causality Statement in the notes reads, and I quote:

"It is my opinion with a reasonable degree of medical certainty that Ms. Alessio hands were irritated by the presence of Number 3 sanitizer sprayed preflight.'

"The Fourth of 5, is Claim #16-816267 which is #17 Environmental Work Injury.

"Date of Injury, February 7, 2016. This was the first day of a 4 day work trip.

"The First Report of Injury communicates when boarding the Aircraft, the Chemical Substance Product #2 Air Freshener Spray, was over sprayed to freshen the air we breathe in the Aircraft Cabin.

"The CREDIBLE MEDICAL EVIDENCE:

"Is when with respect, on February 8, 2016 at 8:27 am, I went to the United Airlines Employee Medical Facility at the Houston Airport, where I communicated rash and swelling of both hands. I was given 1 percent of Hydrocortisone Creme and instructed to see my physician in 3 days for re-evaluation. (February 11, 2016)

"The Fifth of 5, is Claim #16-816266 which is #18 Environmental Work Injury.

"Date of Injury was on February 10, 2016. This was the last day of the 4 day work trip.

"The First Report of Injury communicates when boarding the Aircraft, the Chemical Substance Product #1 (a 2014 discontinued Air Freshener) was aboard the Aircraft.

"The CREDIBLE MEDICAL EVIDENCE:

"Is when with respect, the next day after my 4 day work trip, February 11, 2016, I went to visit 3 Doctors, 2 of which were unplanned.

"At 11:50 am, I saw my Primary Care Physician Doctor and with the diagnosis of Dermatitis, the Doctor provided a stronger, 2.5 percent Hydrocortisone Creme than the Houston Airport Medical Clinic—Medical Facility, to treat the rash on my hands.

"At 2:30 pm, I saw my Occupational Medicine Doctor who respectfully states under the Causality Statement, and I quote:

"'It is my opinion with a reasonable degree of medical certainty that Ms. Alessio had a skin reaction to chemicals found in the workplace.'

"At 4 pm, I saw my Hand Surgeon Doctor which was a Pre-appointment made for February 11, 2016, to discuss hand surgery.

"However, due to the unexpected overexposure to Chemical Substance Air Fresheners and Chemical Substance Cleaning Products used in the Aircraft Cabin over my 4 day work trip, February 7-10th, my Work Injuries to both my hands were clearly visually present to my Hand Surgeon Doctor. The agreement and need of treatment was then given during my appointment.

"Please note: Irregular Operation Reports (IOR's), were respectfully submitted to my 'Superiors', as well as respectfully submitted with each Work Injury Claim to the Ohio Industrial Commission.

"YOUR HONOR and with great respect, I would like to give further Credible Medical Evidence for thoughtful review. With great dignity and respect for all Inflight Crew Members and Air-Traveling Customers, the fact is that the First Aid protocol when traveling by Air, is not an option to the Chemical Substance Air Fresheners and Cleaning Products used for the Aircraft Cabin Environment, which I believe makes this unfair and an unhealthy Environment, to all on board. With respect, unfair to our Health, unfair to our Welfare, unfair to our Safety and unfair to our Security, in the Air.

"With respect, my further Credible Medical Evidence begins with a Red Flag:

"An Email dated: May 23, 2014, under reference Claim #15-829647. The Dermatology Department at University Hospital, emailed me regarding the

Aircraft Cabin Chemical Substance products, the ingredient list request for patch testing. The email communicates that the manufacturer and fragrance vendors are not willing to provide the actual made up components that would be safe, to apply for patch testing.

"YOUR HONOR and with respect: I have wondered and given great thought about how to be the defender in my case as a Flight Attendant with a duty and responsibility to ensure a safe and comfortable Environment for all onboard.

"With respect and under oath, I believe that using Chemical Substance Air Fresheners and Chemical Substance Cleaning Products in the Aircraft Cabin Environment to be unsafe and a health hazard which can cause injury/illness to People.

"YOUR HONOR and with great respect, my Wonder Question #1:

"If the Aircraft Cabin Chemical Substances, the actual made up and withheld components, are not safe enough to apply for a patch test on the skin, how can the ingredients be safe for us to breathe? Respectfully, how can the Chemical Substances be healthy and safe for all onboard to inhale and breathe entering our bloodstreams and nervous systems—nervous systems during the entire flight in the air?

"With respect, I truly believe with common sense and logic one would say: It's not safe.

"With respect, my Wonder Question #2:

"If the actual made up and withheld components are not safe enough to apply for a patch test on

the skin, with great respect why would the Global Air-Traveling Public, think it's okay to inhale or breathe the actual made up withheld Chemical Substance components in the Aircraft Cabin Environment during the entire flight in the air?

"With respect, I truly believe with common sense and logic one would say: Its not okay.

"Respectfully, I truly do not believe the Global Air-Traveling Public knows, to know.

"Respectfully, I truly believe the Global Air-Traveling Public believes the Airline Industry is following Federal Law.

"With respect, my Wonder Question #3: Are all the Chemical Substances used to Air-Freshen and Clean the Aircraft Cabin Environment following the Rule of Law?

"With respect, my Wonder Question #4: Why use Chemical Substance Products with Trade Secret Ingredients in the Aircraft Cabin Environment for Inflight Crew Members and Air-Traveling Customers to breathe while traveling in the Air?

"With respect, my Wonder Question #5: Are the Chemical Substance Products used for the Aircraft Cabin, Sanction Products? Respectfully, International Sanction Products?

"With respect, my Wonder Question #6:

What's wrong with using our wonderful and living Mother Earth's Safe and Healthy resources, 100 percent safe and 100 percent transparent? Example: Orange, Lemon, Lime and Lavender from Mother Earth, Free of Chemical Substances.

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"Respectfully, the Worldly Air-Traveling Customers and Inflight Crew Members are like Family in the air and mean everything to the Airline Industry.

"Respectfully, this is truly about 'Healthcare in the Air'. Our Public Health and Public Safety Environment when traveling by Air.

"Respectfully, I believe an opportunity for a healthier Environmental change has arrived.

"A wonderful change for a Chemical-Free Aircraft Cabin Environment for a more pleasant, healthier and safe traveling experience for all Inflight Crew Members and Air-Traveling Customers.

"With respect, Your Honor, I am a simple person with simple life principles. I think in simple common sense and logic terms and I truly believe, with respect, that this unfair practice is wrong. With respect, I believe it is a pure violation of Federal Law in using Chemical Substances (poisons) that can cause harm or injury to people in the Aircraft Cabin. Respectfully, I believe in the Golden Rule: 'Do unto others as you would have them do unto you'. In other words, treat others like you would like to be treated.

"With respect to my 'Superiors', the Chemical Substance (poisons) components are not only being carried on the Aircraft, but utilized in the Aircraft Cabin. Respectfully, thereafter, Inflight Crew Members and Air-Traveling Customers board the Aircraft and become unfairly subjected on the ground and most importantly breathing chemical substances in the air during the whole entire flight, hurting and harming our health

unnecessarily. Respectfully, who is this benefiting?

“With respect to Inflight Crew Members and Air-Traveling Customers aboard, chemicals used in the Aircraft Cabin Environment are a Health Hazard. Its just that simple.

“YOUR HONOR and with respect, I would hope you would agree.

“The Credible Medical Evidence you are about to hear is in fact, 3 Doctors written statements of a reasonable degree of medical certainty, for the record from my Work Environment Injury experiences. All 3 letters have been respectfully submitted to the Ohio Industrial Commission for thoughtful review.

“First letter statement dated: June 17, 2014.

“Reference Claim #14-809315.

“The Immunologist/Allergist Doctors written report from an Ambient Test performed at the Doctors office to the Aircraft Cabin Products, states and I quote: ‘I believe with a reasonable degree of medical certainty that the rash which had appeared on Ms. Alessio’s hands was caused by a contact with some of the products presented during the challenge. The dermatological condition would be best described—best described as an ‘irritant contact dermatitis.

“Second letter statement dated: October 14, 2014.

“Reference Claim #15-833915.

“The Rheumatologist Doctors written report states in part and I quote: ‘I agree with the opinion that

Christina M Alessio should avoid exposure to the inflight deodorants named in Dr. Silver's report as, with a reasonable degree of medical certainty, the deodorants tested by Dr. Silver cause a flare of Christina M Alessio's Rheumatoid Arthritis. By avoiding exposure, Christina M Alessio is able to perform her essential job functions.'

"Third letter statement dated: November 24, 2014.

"Reference Claim #15-833915.

"The Occupational Medicine Doctors written report states in part and I quote: 'It is correct that there is no current evidence of substantial aggravation once the offending substance (air freshener discs) was removed from Ms. Alessio's workplace. After further review including the notes of Dr. Hong (Rheumatology) it is my opinion, with a reasonable degree medical certainty, that Ms. Alessio suffered a substantial aggravation of her rheumatoid arthritis when exposed to the air freshener discs in the workplace resulting in her not working from March 17, 2014 to September 10, 2014, and working only intermittently from September 18, 2014 to November 6, 2014 due to presence of the air freshener discs in the workplace. This opinion is supported by photographs, ED visits, United Airlines physician visits, Dr. Silver's testing, and the fact that Ms. Alessio was able to return to work'—excuse me—'able to return to full duty and suffered no problems when the air freshener discs were not present in the workplace.'

"With respect and for the record, I would also like to quote an email from my 'Superior' Senior

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Inflight Manager, dated October 2, 2014, for further insight, clarity and understanding.

"The email reads and I quote:

"Tina, Per our previous discussion, on October 1 United has begun replacing the lavatory disc with a new enhanced foaming hand soap. Along with a new formulated soap, we are also introducing a new soap bottle that features a built-in air freshener, which will eliminate the need for the lavatory deodorant disks. This will be a soft launch which means that these products will be placed on board the aircraft as the old supplies are depleted. This process may take up to 30 days.'

"I want you to be prepared as you begin your trip today that your aircraft may or may not have changed over to the new product.'

"YOUR HONOR and with respect, I would like to provide the most recent Credible Medical Evidence.

"A letter statement dated: January 2, 2018.

"Respectfully submitted March 22, 2018.

"Written from MetroHealth Medical Center stating in part and I quote: 'Christina Alessio (dob 10/7/1960) was a patient seen in our clinic by my partner Dr. Raymond Hong. Her last appointment was on 5/16/2016.'

"A letter statement dated: January 9, 2018.

"Respectfully submitted March 22, 2018.

"Written from my Primary Care Physician stating in part an I quote: 'There has been no evidence of

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progress of Ms. Alessio's RA in the past two years.'

"Please note: Both medical letters and my email from my 'Superior', were respectfully submitted to the Ohio Industrial Commission.

"YOUR HONOR and with respect, I would like to further provide for you FACTS to my Environmental Work Injury Claims that follow directly inline with the Credible Medical Evidence, which add and support credibility to my case, for insight, clarity and understanding.

"With respect, 2014 is when my 'Superiors' included a Hazard Communication Module, required by all Flight Attendants to acknowledge or not qualified to fly.

"With respect, there are significant differences to my annual income from one year over the next, due to working in either a safe or not safe Workplace Environment, resulting in 18 workplace injuries, highly documented with Irregular Operation Reports (IOR's) to my 'Superiors'.

"In summary.

"In 2013, I made an increase of 1—\$16,442 over 2012, because I was sealing the Chemical Substance Product #1 Air Freshener Discs aboard the Aircraft Cabin to refrain from breathing Chemical Substances in my Work Environment to avoid work injury."

To be clear, and for the record, that was in 2013. I made an increase of \$16,442 over 2012.

"In 2014, I had a decrease of \$27,434 over 2013, because I was denied by my 'Superiors', respectfully, both Inflight Senior Manager and Senior Manager of Human Resources and Employee Relations, in a Mandatory Meeting March 6, 2014. Respectfully, I was denied the ability to seal the Chemical Substance Product #1 Air Freshener discs aboard the Aircraft Cabin Environment. Respectfully, my 'Superior' communicated to me that I was not allowed to remove the air freshener discs. With respect, I followed the instructions and direction of my 'Superior'. Respectfully, I became injured at work due to my Work Environment from breathing Chemical Substance Air Fresheners in the Aircraft Cabin with no protective measures.

"YOUR HONOR and with respect, all Environmental Work Injury Claims being 'heard with', todays hearing have Irregular Operation Reports (IOR's) written for each Claim beginning in 2014, which have all been respectfully submitted to the Ohio Industrial Commission for insight, clarity and understanding for a fair, right and just hearing.

"In 2015, I made an increase of \$19,844 over 2014, because Chemical Substance Product #1 Air Freshener discs, were mostly discontinued in the 30 day period in October of 2014.

"In 2016, I had a decrease of \$13,969 over 2015, because I was respectfully, denied by my 'Superior', Inflight Senior Manager, to follow my Doctors recommendation of an accommodation to avoid injury, and instead was injured with bilateral sprains of hands and wrists performing

CPR on a new mannequin at the Flight Attendant Training Center. With respect, my Work Injury Claim was Court Reported and is of Public Record and can be found for review under Claim number #16-807292. With respect and for the record, the Claim was disallowed.

"In 2017, I made an increase of \$28,341 over 2016, because I have worked in a safer Work Environment and able to avoid injury.

"YOUR HONOR and with respect, though I have not taken an oath at work to protect the people, I believe I have a moral and ethical responsibility and as an American Citizen, uphold our U.S. Constitution, which is to Protect the People. With respect to my 'Superiors', my duty and responsibility as a Flight Attendant is to ensure a safe and comfortable Environment in my Workplace, for all onboard, in the Aircraft Cabin.

"YOUR HONOR and with respect, this is about traveling in the air and being unnecessarily exposed to a Chemical Substance Environment which can cause injury and illness not just to Inflight Crew Members like myself, but to Air-Traveling—to the Air-Traveling Public.

"With the utmost respect to my 'Superiors' I wish my respectful invitation to please come fly with me would come true. With the utmost respect to my 'Superiors', they work on the ground and not in the air and might have a better understanding of the Safety and Health concern of utilizing Chemical Substances in the Aircraft Cabin Environment.

“With respect, as I have communicated my concern with my ‘Superiors’, and continued with due diligence attending all of my hearings for a hopeful correction and change to a Healthy and Safe Environment with Chemical-Free Aircraft Cabin Products, I have also respectfully reached out to my Government, for answers with the encouragement of communicating: ‘See Something, Say Something’.

“Respectfully, I have not received confirmation from our Government as of this Hearing, that my Employer is in fact 100 percent in compliance with Federal Law 49 U.S.C. 5124, in specific to ‘poisons’. With respect, using Chemical Substances in the Aircraft Cabin Environment.

“Communication documents with Government Agencies regarding work Environment Injuries, Hazards, Health and Safety, have been respectfully submitted to the Ohio Industrial Commission for thoughtful review.

“With respect, the following Government Agencies include:

“Federal Aviation Administration (FAA)

“Occupational Safety and Health Administration (OSHA)—known as OSHA

“Equal Employment Opportunity Commission (EEOC)

“Ohio Governor

“Ohio Congresswoman

“Ohio Senator

“With great respect to my ‘Superiors’, I received a response from the EEOC on April 18, 2017, in which they could not certify that my Employer was compliant with the statutes.

Therefore, on July 7, 2017, I had no other choice by their response, than to respectfully file with the Federal Court under the bases of the Courts Jurisdiction 49 U.S.C. 5124.

“With respect to the truth, Case #5:17-cv-01426 is presently at the U.S. District Court assigned to the Honorable Judge Sara Lioi.” That is spelled L-i-o-i. “With respect—with respectful Defendant Attorneys: Ms. Heather Huffman and Ms. Natalie Stevens, representing my ‘Superiors’.

“Respectfully my Amended Complaint was submitted on March 9th, and filed on March 12, 2018, stating my respectful remedy for Airline Accommodation Relief (in Capital Letters I wrote on the cover page) and I quote: ‘SAFE AND TRANSPARENT PRODUCTS. WITH THE UTMOST RESPECT TO ‘AIR-TRAVELER’S’ HEALTH AND SAFETY, PRODUCTS USED TO CLEAN AND AIR-FRESHEN THE AIRCRAFT CABIN SHOULD BE MADE TRANSPARENT, NO SECRETS, WITH COMPLETE LIST OF INGREDIENTS MADE AVAILABLE, FOR A BETTER AIR-QUALITY ENVIRONMENT, SO TO AVOID ANY AND ALL INJURY/ILLNESS.’

“The response received back from my Amended Complaint by my ‘Superiors’ Legal Team is dated March 26, 2018. In conclusion and with great respect I quote: ‘For the foregoing reasons, Defendant respectfully requests that Plaintiff’s Amended

Complaint be dismissed with prejudice in its entirety.'

"With great respect, on March 1, 2018, a respectful letter, notarized and certified by mail, was sent to 5 of The President of the United States' Cabinet Members:

"Honorable Attorney General (AG), Mr. Jeff Sessions.

"Honorable Director of the Federal Bureau of Investigation (FBI), Mr. Christopher Wray.

"Honorable Administrator of the Environmental Protection Agency (EPA), Mr. Scott Pruitt.

"Honorable Secretary of Transportation (DOT), Ms. Elaine Chao.

"Honorable Secretary of Health and Human Services (HHS), Mr. Alex Azar.

"Respectfully, reaching out in the letter with questions, in search for answers. "Respectfully in summary the letter

"Kindly requests and petitions for transparency to the complete ingredient list to the Chemical Substance Air Fresheners and Chemical Substance Cleaning Products used inside the Aircraft Cabin Environment, for Safety and Health measures, for the Global Air Traveling Public.

"Respectfully, is the use of Chemical Substances in the Aircraft Cabin Environment, following Federal Law?

"And with respect to the Global Air Traveling Public, what is the reason for using Chemical

Substances rather than Mother Earth's transparent pure and safe, healthy and harmless resources in the Aircraft Cabin Environment?

"YOUR HONOR,

"My Work Injury Summary is with great respect to my 'Superiors'. Respectfully, to communicate that I believe every one of these Work Injuries could have been avoided and prevented, by not using Chemical Substances in the Aircraft Cabin. With respect, I believe the hazard with the potential to cause hurt or harm, injury or illness to people still exists with the Chemical Substance products—product practice used inside the Aircraft Cabin Environment, today.

"Respectfully, I have reached out to my 'Superiors' in my written Irregular Operation Reports (IOR's), inviting them to please come fly with me, to help provide the situational awareness and communication for a corrective action to a more safe, transparent and friendly Aircraft Cabin Environment.

"IN CONCLUSION:

"YOUR HONOR,

"And with the utmost respect to my 'Superiors', I believe the 5 following forms of evidence provide the burden of proof for which my Environmental Work Injuries should be granted, for Allowance:

- "1. The Doctors Credible Medical Evidence Statements.
- "2. The Fact—The Facts from the January 7, 2016, Subpoena Response, with respect to the Material Safety Data Sheets pertaining

to the Aircraft Cabin Chemical Substance
Air Fresheners and Chemical Substance
Cleaning Products.

- "3. The 2014 Hazard Communication Module required by my Employer to acknowledge, with respect to and regarding Chemical Substance Aircraft Cabin Products.
- "4. The Rule of Law 49 U.S.C. 5124: A Federal Law which forbids hazard materials aboard the aircraft (poisons).
- "5. The Definition of Poison: A substance that can cause harm or injury.

"YOUR HONOR,

"In closing with my Opening Statement, I believe there is a true and sincere need for change. With respect, change for a more healthful travel and workplace Environment in the Aircraft Cabin. With respect to my 'Superiors', I will continue to pray for a Chemical Free Aircraft Cabin Environment with products made 100 percent safe and 100 percent transparent.

"Thank you for your time, Your Honor. And thank you for your consideration.

"Sincerely, Tina."

(Thereupon, the reading of the
opening statement was concluded.)

HEARING OFFICER: Ms. Everett?

MS. EVERETT: I just have a couple of questions for
Ms. Alessio.

CROSS-EXAMINATION

BY MS. EVERETT:

Q. These products, like the hand soap, I think you call that number 4?

A. Uh-hum.

Q. So during the time of these claims from, say, November of 2015, to February of 2016, did you actually put that hand soap on your hands?

A. No.

Q. Okay.

A. I report—

Q. “No”? Just “yes” or “no.”

And then number 3, sanitizer spray cleaner, did you actually apply any of that to your hands or skin?

A. No.

Q. Okay. And then the JetScent Pump Spray, I think you called that number 2, did you actually like touch—

A. No.

Q. —the product?

A. No.

Q. Okay.

A. Gloves are given for protective measures. That is the only protective measures we have.

Q. Okay.

A. Ms. Everett—

Q. So the—I am not arguing with you. The discs, number 1, in November of 2015, through February of 2016, did you physically yourself touch the discs?

A. Never.

Q. Okay. Thank you. That—

Oh, and do you continue to work at United?

A. Yes, ma'am.

Q. Okay. So you are still a flight attendant?

A. Yes, ma'am.

Q. And you still go on these aircraft with—

A. Yes, ma'am.

Q. —various and assorted cleaning products?

A. Well, unfortunately, I have a responsibility. And—

Q. So your answer is “yes”?

A. Yes.

Q. Okay. Thank you.

A. Yes, ma'am.

MS. EVERETT: That is all the questions that I have.

Ms. Steele, you have all the information in the previous claims. And I did pull in a couple of orders and the reports from Dr. Eli Silver, so that you could see that the testing had been done—ambient air testing.

And I believe that was in Claim Number 14-813107.

HEARING OFFICER: I am sorry. 813107?

MS. EVERETT: Right. Altogether, there have been 17 claims filed basically alleging the same thing. Two of them were withdrawn and never went to hearing. Ten of them have been denied. And then you have these five before you now.

On the—in the file, I always submit this Summary of Claims. It is in your folder somewhere. It lists all the different claim numbers. But basically it is the Employer' position that these claims are all for the same thing.

Ms. Alessio is alleging airborne—the fact that she can smell cleaning products as either causing or aggravating her rheumatoid arthritis, or causing a contact dermatitis condition, primarily on her hands. And those claims have all been denied by the Industrial Commission in the past.

In fact, a lot of the medical that she was reading from are from the old claims. And those claims were denied. So that evidence that she is reciting here today, whether it is Dr. Silver, or some of these other records from 2014 and '15, are all records that have been submitted in the other claims. And the Commission has found them to not be credible. And I think it is because that medical evidence does not support the allowance of a claim.

Sitting here today, Ms. Alessio has not articulated the medical condition that she claims has—well, she was—where the—of a nature of her injury in each of these five instances. I mean, there are different allegations about contact dermatitis, or rheumatoid arthritis, aggravation of rheumatoid arthritis. Which the Employer would argue that

an aggravation of a preexisting disease is not compensable.

But she hasn't even established with medical evidence that her theory of her case, if you will, that breathing in cleaning products that are no different than household cleaning products, would cause a medical condition—any kind of medical condition.

Ms. Alessio continues to allege that these products are hazardous and poison. However, Ms. Alessio is not a scientist. She is not an expert. Those are her opinions with regard to these products.

And one of the claims, I forget which one it was, we submitted some MSDS sheets from regular over-the-counter air freshening products, like a Glade Air Spray—and I forget what the other one was—and Purell, you know, that you use on your hands.

And most of the cleaning products that are used on the aircraft, because you have the MSDS sheets for those also, are actually more benign—things on the aircraft are more benign than things that you can go to the Giant Eagle and get and use in your home. Consumer—you know, regular consumer cleaning and air freshening products.

And yet it is her burden to establish that these products scientifically—not just her opinion—are hazardous, and she has never established that. She has never brought a single piece of information, other than her own opinion, that these products are hazardous. And it is because they are not.

She has contacted OSHA. She has contacted all of these other agencies who have conducted their own investigation; whether that is limited or expanded, it has turned up nothing. There have been no citations by OSHA about these products on the aircraft at all.

And so there is no scientific evidence before the Industrial Commission that these products are hazardous. And there is no medical that supports that airborne exposure to common cleaning products cause rheumatoid arthritis, aggravate rheumatoid arthritis or cause contact dermatitis, either in this case or generally.

So, you know, in a certain—to a certain extent, it has always been the Employer's position that all of these continued filing of claims is res judicata. This issue has already been decided. In fact, it has already been decided ten times. And there is nothing new here today. These are the same allegations, just on a different day. They are the same allegations with regard to the same products on the aircraft. They are the same allegations with regard to her physical response, or what she has treated for. And there is still no medical evidence that there is a compensable event.

And we would ask that you deny all five of these claims for lack of medical causality.

HEARING OFFICER: Ms. Alessio, before I give you the opportunity to respond, are you also alleging that you lost time due to these claims?

MS. ALESSIO: Yes, ma'am. It was quoted in the occupational medicine doctor's letter, the dates

that I had missed work for these chemical substances on board the aircraft.

HEARING OFFICER: So you are alleging lost time in each of the five claims?

MS. ALESSIO: I was pulled off my work trip. So I wasn't able to finish my trip. So I lost income.

HEARING OFFICER: Seven or more consecutive days?

MS. ALESSIO: I would have to look at it, but I doubt it, because our trips aren't that long. But, I mean, I had—I have definitely lost income from—

HEARING OFFICER: Okay.

MS. ALESSIO:—from showing up to work fit for duty, getting in my work environment, and then being pulled off my trip because I couldn't finish my job.

HEARING OFFICER: Okay. Your response to Ms. Everett?

MS. ALESSIO: With respect to my Employer's legal representative, I would like to let you know that I agree with you. I am not an attorney and I respect your profession.

HEARING OFFICER: Ms. Alessio, please address me, not Ms. Everett.

MS. ALESSIO: I am so sorry. I am not an attorney. That is what I am trying to—

HEARING OFFICER: Make your argument—make your closing argument in response to that.

MS. ALESSIO: I am not a scientist. And I am not a doctor. But I do take good care of myself. And I do pay close attention to my health.

And what I have come to realize, Your Honor Steele, is that for life, you need three things. You need food. You need water. And you need air. And we eat and drink probably five to ten times, 20 times a day. But we breathe, as an average adult, 20,000 times a day. This is a much larger, substantial number that weighs more with respect to what is going into our systems and becoming a product of us—what we are.

And I would like to give you the definition of rheumatoid arthritis, in general. A disease that causes—

HEARING OFFICER: I am sorry, Ms. Alessio. Are you alleging that this caused your rheumatoid arthritis?

MS. ALESSIO: No.

HEARING OFFICER: Or substantially aggravated it?

MS. ALESSIO: Substantially aggravated it.

The definition I have here of RA is a disease that causes the joints of the body to become swollen and painful. Those are exactly the symptoms that I had. I didn't have them prior to boarding the aircraft, getting in the aircraft.

And knowing that I had the Ambient Test with my immunologist and it tested positive. Even the chart with the meters of the circumference of my joints—it has been submitted. They increased within that period of time that I was in the room with them.

HEARING OFFICER: So you are saying bilateral?

MS. ALESSIO: Bilateral hands and wrists are affected. I believe that because that is the weakest part of my body in respect to my joints, because they are so small and easier—I have to be frank when I say, my hands are the barometer to my health.

When I am breathing, and something is probably not healthy, because there are no indoor air quality standards today. Not just the aircraft cabin there is none, but anywhere, okay?

So when you get into an indoor environment and you don't feel well, the first thing that should come to mind to someone is "What am I breathing?" And if you can remove yourself, you probably would start to feel better. But in an aircraft cabin, you cannot remove yourself.

So this is why I believe it is violating Federal Law, with great respect to my superiors, is because the first aid procedures are to remove yourself, and you can't. So then you have to wait until you have the opportunity to remove yourself to then start feeling better.

And then that is why I would be released back to work. Because if I wasn't subjected to these chemicals, Your Honor, I probably wouldn't have a health issue at work. That is why I said in my opening statement, I don't think any of these injuries should have ever happened, had I not been forced to breathe these chemical substances with no protective measures.

And I am speaking with great respect to your breathing. You know, with great respect to the superiors' legal representative, I have to say that when she talks about airborne, if you can smell it,

it is in the air. That means it is landing on your skin, right? I mean, it is in the air. If it is going up your nose, you can smell it, it is entering your system. When you eat and drink, you have it going in an entrance and out an exit. When you breathe, not so much. It goes in and through your bloodstreams and through your nervous systems. It has no way out.

It then needs to get out, so I get this kind of like logical theory, that your body will expand from it, because it is trying to get out. And that is just my thought. I am not a doctor. I am not a scientist. And I am not a lawyer.

HEARING OFFICER: We need to stick to your injuries.

MS. ALESSIO: Yes. So—

HEARING OFFICER: You are also alleging chemical contact dermatitis?

MS. ALESSIO: Yes, absolutely, because I would have rash. But getting back to what—

HEARING OFFICER: No. We need to stick—you need to stick with me. And then I will let you have a chance.

MS. ALESSIO: Okay.

HEARING OFFICER: I need to know everything—every condition that you are alleging.

MS. ALESSIO: I mean, I would just say—

HEARING OFFICER: We went over—went over—

MS. ALESSIO: If you don't have protection—

HEARING OFFICER: Please let me speak and then I will let you speak, okay?

MS. ALESSIO: I am sorry. Okay.

Yes, ma'am.

HEARING OFFICER: Because I want to make sure that I get down exactly what you are requesting.

MS. ALESSIO: Yes, ma'am.

HEARING OFFICER: Substantial aggravation of bilateral RA in your hands and wrists. Chemical contact dermatitis. That is bilateral hands and wrists, right?

MS. ALESSIO: Yes, ma'am.

HEARING OFFICER: And what else?

MS. ALESSIO: The rash was mostly on the hands. I wouldn't say they were on the wrists, okay? It was just on the hands. It is the thinnest skin, if you will. And so that is why, if chemicals are in the air and they are landing on your skin—because don't forget that every single customer goes in and uses the hand soap. So that chemical substance is building up in the aircraft cabin.

HEARING OFFICER: So bilateral rash on your hands?

MS. ALESSIO: No, I didn't have rash on my hands.

HEARING OFFICER: On your wrists?

MS. ALESSIO: I mean, on my wrists. I only have it on my hands. At the very beginning, in 2014, it was even on my face. And so it is just—

HEARING OFFICER: All right. Any other conditions?

MS. ALESSIO: Just the rash and the swelling. The swelling of my joints in my hands and wrists.

When the occupational medicine doctor stated "substantial aggravation," that was due to swelling and inflammation in the hands and in the wrists.

HEARING OFFICER: All right.

MS. ALESSIO: May I speak a little more here with respect to what my superiors' legal counsel—

HEARING OFFICER: Yeah, you need to respond to Ms. Everett.

MS. ALESSIO: Okay. Thank you, ma'am. Thank you, Your Honor.

So we realize that the airborne isn't just touching a chemical, because I would never do that. It is in the air. It is—if you can smell it, it is landing on any exposed skin and can irritate it.

I am claiming breathing—not the physical touch—but the inhalation of these products that are causing the harm. That it goes into the body through our nose, mouth, ears and eyes. Not the touch. Please let me make that 100 percent clear. It is the four senses, not the fifth, that it is entering.

With respect, I am alleging injury, not occupational. Because occupational, in my mind, would be if I was in a healthy work environment, this wouldn't be happening. But I am walking into this chemical environment, and I am getting injured.

I wouldn't probably have the joint—I don't have it when I am not working. It is literally, in my

eyes—because I see it every day and I feel myself and my hands every day. I feel whether my hands are getting better or getting worse, day by day, room by room, indoor/ outdoor, in every manner, every moment. And I am realizing what benefits and what doesn't.

And so that would be my greatest hope, that this would become a realization that, you know, chemicals shouldn't be in this environment due to Federal Law because of the harm that it can cause.

HEARING OFFICER: You do understand that Federal Law has nothing to do with this hearing?

MS. ALESSIO: That is fine. I am just making a—

HEARING OFFICER: I have absolutely no jurisdiction over—

MS. ALESSIO: I understand.

HEARING OFFICER:—your Employer's practices.

MS. ALESSIO: I respect that. I respect that.

HEARING OFFICER: I can't make them do or not do certain things. We have to stick strictly to your injuries versus your job duties and the causality between the two.

MS. ALESSIO: I respect that. I just—thank you for listening is really—if anything, in that regard, because I do respect our Government 100 percent.

Also, in response, the household cleaning products—I believe she said household. I wrote the word "household." That is actually one of the forbidden products listed before you board the aircraft; that is not allowed on board. So if it is a basic cleaning

product, or household product, it needs to be 100 percent safe and 100 percent transparent. Today, it is not.

And this is, I think, one reason why air sickness and injuries do happen. Because of the fact that, at home, you can remove yourself from it: Go outside, open the windows. You can use these household cleaning products anywhere on the ground, but not in the air.

That is really why I believe, and truly, in my heart, that it is a Federal Law, just in my mind. I know I am not communicating that as to get a response.

The Material Safety Data Sheets, you cannot follow the first aid procedures. So that right there is really kind of harmful to the people in the environment subjected to it, because you can't follow it. Oxygen would be what we would have to put on, but we—as inflight crew members, we can't do that.

And then the only other thing that I would really love to reach out to and ask for is—and I believe what my superiors' legal representative is saying, unfortunately—I would like to see it. Where is the certification and the verification that these products are not harmful?

I just—I just—you know, she is telling me I can't prove it, or I am not saying—you know, showing that they are hazardous. Well, where is she saying-how can she say that they are not? It goes both ways, I think, with great respect.

I am a simple person, just trying to make a simple living. I know that I love what I do for a living

with all my heart. And, you know, I am supposed to take every precautionary measure to not only protect myself, but our coworkers, and of course our most valuable customers. So I am really just trying to do what I am supposed to do: Follow the policies and procedures. Follow the instructions and directions of my superiors. And I do it with love in my heart, because I just—

I really do have a passion for people and a passion for life. And I live in the present. And I really—I really hope that it is given great consideration.

I have just one closing minute left, but I don't know if there is any more—

HEARING OFFICER: I think Ms. Everett is finished. Right? Are you—

MS. EVERETT: I have just one—a couple of remarks, but go ahead.

HEARING OFFICER: Well, let's let you make your closing remarks—

MS. EVERETT: Sure.

HEARING OFFICER:—and then I will let Ms. Alessio have the final remarks.

MS. EVERETT: Sure. The one thing that I wanted to point out was that the Employer disputes Ms. Alessio's characterization of Dr. Eli Silver's reports as being positive in supporting her position.

In fact, in—on the June 2, 2014, reports of Dr. Silver, on the second page, he says—this is after he is doing these Ambient Air Testing. He says, "Overall, I was unable to confirm exacerbation of

the arthritis with a 100 percent certainty. Moreover, as the science stands today, there is no plausible mechanism to directly link the exposure to fragrance and an autoimmunity of rheumatoid arthritis." And so he is—

HEARING OFFICER: Ms. Everett, do you know if this—if it is in a particular claim that has been disallowed?

MS. EVERETT: Yes. The claim was disallowed.

HEARING OFFICER: Okay. Just so I can find it.

MS. EVERETT: Oh, I pulled it into this hearing folder.

HEARING OFFICER: Oh, you did?

Okay.

MS. EVERETT: Yes. I think they go to the bottom, because they are dated '14, but it is down there.

HEARING OFFICER: Okay.

MS. EVERETT: And all of his—I pulled all of Dr. Silver's reports in there. There is a couple of them, just so that you could see them. And they were considered in this one Claim 14-813107. Although, they have always been there in all of these subsequent claims, too. I mean, I guess, that is just when it was argued, pro and con, most vigorously in the record of those claims—of that claim.

So, you know, from the Employer's perspective, that air testing was negative, not positive. Because he couldn't confirm anything, other than her subjective complaints.

And, you know, I don't know how you can get contact dermatitis if you don't contact something, if you don't touch something. There is certainly no medical evidence on file here about how somebody can get contact dermatitis from smelling an air freshening product.

And, also, none of the doctors have stated an opinion that supports Ms. Alessio's theory of her injury that breathing in, whether it be a spray or a soap smell or some kind of a fragrance, aggravates rheumatoid arthritis or causes contact dermatitis or a rash.

Not one of the doctors have expressed that medical opinion, giving a causal link. And so, on that basis, we would ask that the claims be denied.

HEARING OFFICER: Ms. Alessio, your closing remark?

THE REPORTER: May I change my paper real fast?

HEARING OFFICER: Sure. Go ahead.

(Thereupon, the Reporter
changed her stenographic paper.)

HEARING OFFICER: Ms. Alessio, your closing remark?

(Thereupon, the following closing statement
was read by Ms. Alessio as follows:)

MS. ALESSIO: "MY CLOSING STATEMENT:"

Your Honor Steele, "With great respect, I love United Airlines and my Flight Attendant Career.

"With great respect, I love the Global Air Traveling Public, you are so very special to me you are Family.

"With great respect, I love and believe in the United States of America.

"With great respect, I believe and trust in GOD, the Father Almighty, creator of Heaven and Earth.

"With great respect, I believe in Faith, Hope and Love.

"With great respect, I believe in our U.S. Constitution to Protect the People.

"With great respect, I believe with the dignity and respect the Global Air Traveling Public deserves, that pure and simple, safe and transparent, Aircraft Cabin Air Quality products for a more pleasant flying experience across America and around the World, will one day prevail.

"With respect to my Opening and Closing Statements, I will be respectfully submitting my complete written report to the Ohio Industrial Commission to provide insight, clarity and understanding for a fair, right and just hearing.

"Sincerely, Tina."

(Thereupon, the reading of the closing statement was concluded.)

HEARING OFFICER: Thank you very much. You are familiar with the process, Ms. Alessio. My order will go out sometime next week, okay, after I have had a chance to review. And you will be submitting the transcript, as well, right?

App.248a

MS. ALESSIO: Yes, ma'am.

HEARING OFFICER: Okay. Thank you very much.
Thank you, Ms. Wheat.

MS. EVERETT: Thank you.

MS. ALESSIO: Thank you.

(Thereupon, the hearing was concluded at 2:43 p.m.)

CHAPTER TWO
STAFF HEARING — COURT REPORT
(JULY 30, 2018)¹

Claim No: #15-859117, #15-863145, (Errata)
#15-863147, #16-816267, #16-816266

Claim No. 16-807292

Oliver Ocasek Building
161 S. High Street Suite 301
Floor 3rd, Room 5
Akron, Ohio 44308
July 30, 2018 at 9:00 a.m.

ISSUES TO BE HEARD:

1) Injury or Occupational Disease Allowance

¹ Errata in the original transcript have been noted in the body of the text.

BEFORE THE INDUSTRIAL COMMISSION
OF OHIO

CHRISTINA ALESSIO,

Claimant,

v.

UNITED AIRLINES, INC.,

Employer.

Claim No. 16-807292

[*Sic* 15-859117, 15-863145,
15-863147, 16-816267, 16-816266]

BE IT REMEMBERED, that upon the hearing of the above-entitled matter, held at the Industrial Commission, Akron, Ohio, before the Clement Rogers, Hearing Officer, and commencing on Monday, the 30th day of July, 2018, at 9:00 o'clock a.m., at which time the following proceedings were had.

APPEARANCES:

On Behalf of the Claimant:

Pro se

Christina Alessio

(Address and phone number redacted at
Claimant's request.)

On Behalf of the Employer:

VORYS, SATER, SEYMOUR AND PEASE, LLP

BY:

Margaret D. Everett, Attorney at Law

200 Public Square

Suite 1400

Cleveland, Ohio 44114

216/479-6102

Mdeverett@vorys.com

HEARING OFFICER: My name is Clement Rogers, I'm the Hearing Officer today.

Ms. Everett is here on behalf of your employer. Before we get started, there are two points of business: You are to submit a copy of the transcript to the file at your own expense. And second, since she is the only witness, do you want to swear her in now so that we can save time later on?

(Thereupon, the witness was
sworn in by the Reporter)

HEARING OFFICER: Okay. What we are going to do here, I am going through each of these claims in order. They are 11-27-15, 11-28-15, 12-20-15, 2-7-16 and 2-10-16, dates injury; we are going to do it in order. So ma'am, this is your application so go ahead.

MS. ALESSIO: I have an opening statement.

HEARING OFFICER: Okay.

MS. ALESSIO: I would like to begin my opening statement by acknowledging the presence of our great American Flag in our hearing room today, by standing with my right hand over heart for the

love of our country, and gratefully recite the Pledge of Allegiance. Please feel welcome to join.

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

Thank you, Your Honor. With respect, I would also like to take this opportunity to thank the Staff Hearing Officer, Clement Rogers; my employer's legal representative, Ms. Margaret Everett; and today's hearing Court Reporter, Lena Duncan. Thank you all for your time today.

My closing statement will take less than two minutes. Therefore, my opening statement will continue. Your Honor, and with respect, today's Staff Hearing is to communicate on the record sufficient credible medical evidence, as well as the definitions, facts and the rule of law regarding five work injury claims, which, under oath, I believe have merit for allowance and communicate a respectful request for change.

Respectfully, change for updating outdated Aircraft Cabin 1967 "chemical substance air fresheners" and chemical substance cleaning products to be made 100 percent safe and 100 percent transparent. With great respect to American citizens' civil rights to know what we are breathing. I believe the global air traveling public has a right to know for a healthful aircraft cabin air quality environment.

Respectfully, the ability to verify compliance with Federal law, including the complete list of the chemical substance ingredients, should be readily

accessible for air travelers, upon request. With respect, Your Honor, as it stands today, that is not the case. With respect, ingredients are withheld, a trade secret, and considered classified information.

With great respect to my employer, whom I will refer to as my Superiors in today's hearing, have always been welcome to my hearings, as with great respect, this is about situational awareness and communication regarding the aircraft cabin environment to avoid any and all injury/illness with respect health, welfare, safety and security for first responder in-flight cabin crew members, like myself; and our most very valuable and precious global air traveling customers. Respectfully, this is about "healthcare in the air."

Notice of hearing states the issues to be heard today, one, injury or occupational disease allowance. to be clear and for the record, there have been 14 denied and disallowed work injury claims to date.

Respectfully, for today's hearing, all 14 work injury claims heard to date have been requested to be "heard with" today's five work injury claims, per my Superior's legal representative.

To be clear and for the record, number 14 work injury claim was heard, court reported and is available for public opinion. With respect, it is Claim Number 16-807292; date of injury, February 24, 2016. The work injury was bilateral sprained hands and sprained wrists conducting a new 2016 CPR validation testing performance expectation

at my Superior's training center, required by my Superiors, or not qualified to fly.

Respectfully and for the record, and referenced in the court reported hearing for Claim Number 16-807292, it is clearly noted by the doctor's written statement that I have had no history of sprained hands or wrists. Your Honor, and with great respect, it is important to note and to state clearly on the record that I have never sprained my hands nor my wrists in my life, until February 24, 2016.

Respectfully, on February 24, 2016, it was the first time and a work injury of bilateral sprained hands and wrists that happened at my Superior's training center. Respectfully, the work injury was denied and disallowed.

Your Honor, and with respect, it is also important to note and state clearly on the record that for today's staff hearing the other 13 previously heard work injury claims have been whereby I have communicated, to the best of my ability, a safety and health concern regarding "chemical substance air fresheners" and chemical substance cleaning products used inside the aircraft cabin environment. Respectfully, all 13 work injury claims previously heard, have also been denied and disallowed.

Your Honor, and with respect, I believe this is about product liability, accountability and transparency relating to environmental work injuries from "chemical substance air fresheners" and chemical substance cleaning products. Respectfully, I have communicated the facts from the

material safety data sheets, which were subpoenaed December 4, 2015.

The Subpoena response is, respectfully, under work injury number 11, reference Claim Number 15-855426, dated January 7, 2016. The environmental safety and health concern about the following subpoenaed products were further communicated, under oath, for transparency on January 30, 2018, in the public court reported staff hearing under number 15, number 16 and number 17 work injuries, which are being heard here today.

Respectfully, the notice of hearing heard that day was with respect to, and I quote "Subpoena, records," and was denied. Your Honor, and with great respect, the facts from the material safety data sheets on the aircraft cabin products were also communicated in the last court reported district hearing, regarding the five claims heard today.

Respectfully, please know I believe the facts are the facts, and they should matter in a case such as this. With great respect to my superiors, the fact is that that first aid procedures are not an option in the aircraft cabin with the onboard chemical substances products.

With respect, if travelers were able to follow the procedures, I truly do not believe there would be injury or illness in the aircraft cabin. This is why I question, with respect, and wonder if the chemical substances are classified information ingredients and are in violation of federal law.

With great respect to my Superiors, today's staff hearing will mark the fifth court reported hearing

to communicate with the best of my ability, a safety and health concern regarding the commercial aircraft cabin environment.

Respectfully, to be clear and for the record, the four previous court reported hearings are available for public opinion, held on the following dates: April 19, 2016, district hearing, Claim Number 16-807292. May 31, 2016, staff hearing, Claim Number 16-807292. January 30, 2018, staff hearing (subpoena, reports); Claim Numbers 15-859117, 15-863145 and 15-863147. April 20, 2018, district hearing, Claim Numbers 15-859117; 15-863145; 15-863147; 16-816266 and 16-816267.

Respectfully, the five claims just mentioned are being heard today at the staff hearing level, because the district hearing for these claims were denied and disallowed. With great respect to the District Hearing Officer, the conclusion, as I understand it from the record of proceedings, states in part, and I quote, "The Hearing Officer finds that Claimant has failed to provide sufficient medical evidence that causally relates her hand issues to inhalation of chemicals."

Your Honor, and with respect, I'll be providing for you sufficient medical evidence from results of an ambient exposure challenge test taken in the doctor's office. My hope and prayer is with our my Heavenly Father, up in Heaven, who I believe is looking down upon all of us and watching every move we make, would want us to do the right thing, which is to protect the people.

With respect, protect, it is our United States Constitution to protect the people. Respectfully, not

just for the civil rights of American citizens in the United States, but for every right reason with respect to people traveling.

Respectfully, protecting the rights of all the people who travel, would mean the whole global air traveling public. With respect, this for the sake of safety and security of all people across the globe traveling by air.

Respectfully, a well needed change for the American citizens' civil rights, human rights, in-flight crew member rights and the global air traveling customers' rights. Respectfully, I believe the people have the right to know. Respectfully, the right to know what the ingredients are to the "chemical substance air fresheners" we are breathing.

With great respect, I believe our government is not above the law. Respectfully, and as I understand our government, all the people working at the pleasure of our most honorable President of the United States, take an oath to, first and foremost, protect the United States American citizens from any and all harm.

And with respect, I believe that second, would be to help constituents uphold the United States Constitution to protect the people, especially communicating a safety and health concern. Respectfully, help is needed for the American Citizen to do their job.

With respect to our staff hearing today, with work injuries heard, the case for help is needed to ensure a safe environment for the whole global air traveling public. With respect, 100 percent

transparency and 100 percent compliance with federal law.

With respect, I believe that is not the case we have here today. With respect, "chemical substance air freshener" ingredients are not transparent. In fact, they are withheld, a trade secret, and could be considered classified information.

Respectfully, I ask, why the secret? What is going on that the global air traveling public is not allowed to know?

Respectfully, I have reached out to our government and have been sadly disappointed. With respect, for years I have communicated the aircraft cabin health and safety concern. Respectfully, it's either no response, or I am referred to another government department. And then when I am grateful to receive a response, it is not about making it right; a change for the right reasons for all the people who travel by air.

Respectfully, I wish the government would allow for change in the air from our corporate world of today, who I believe have the authority, and approve of using trade secret ingredients and accept the use of not applicable "chemical substance air fresheners" and chemical substance cleaning product ingredients, not allowing the public the right to know what we are breathing.

Respectfully, does this mean that the chemical substance ingredients are, in fact, classified information? Respectfully, what would be the reason and for who? Respectfully, I believe Mother Earth is our global home. We need to become 100 percent safe and 100 percent transparent, especially

in the aircraft cabin environment, for the pure and simple sake of global humanity.

Respectfully, as it is today, the global traveling public may begin to wonder, why withhold the ingredients? Respectfully, the global air traveling public may begin to wonder if the ingredients are withheld, are the ingredients "classified information?"

Respectfully, the global traveling public may then begin to wonder, why would that be? And respectfully, to whom is this benefitting, not benefitting; harming, not harming; protecting and not protecting? The global public, at best, may then begin to wonder and want to have answers.

With respect, the answers to who is this benefitting and protecting? With respect, is the protection solely for who is behind the sources, methods, ways, means for its purpose and use? Respectfully, might the global traveling public figure out that using "chemical substance air fresheners" with ingredients that appear to be classified information, is not for the global traveling public, who become unfairly subjected to its exposure.

Respectfully, where is the protection? Respectfully, where is the official government document? Respectfully, where is the Certificate of Compliance that states the onboard aircraft cabin chemical substance air fresheners and cleaning products are, in fact, following the rule of law?

Your Honor, and with respect, no one has been able to provide me the certificate of verification with the rule of law to this matter. Respectfully,

I believe the information should be readily accessible for verification of compliance.

Your Honor, and with respect, a perfect example of a respectful change for the global family of people traveling by air would be to transfer from the use of "chemical" fragrant substances avoiding injury, illness to our very living and breathing Mother Earth's known to be healthier, safe and transparent resources. Especially for this, particular and unique environment, the aircraft cabin.

Respectfully, air traveling customers and in-flight crew members are miles up in the air traveling like mini astronauts, if you will, and not on the ground, as we are in the hearing room today. Your Honor, and with respect, this change will be preventing unnecessary injury and illness.

Respectfully, we are not just what we eat and drink every day. We are also what we breathe every day. With respect, we are a product of our environment. This respectful change is about the dignity, respect, safety and security for the sake of humanity, the people of the global air traveling public's healthcare.

But first, in effort to provide a better understanding of why this significant healthcare transformation change is truly needed—from chemical substances to Mother Earth's healthy resources—I would like to provide for you a summary, timeline and review of my environmental work injury claims, going back to the very beginning.

My hope and prayer is that by sharing, it will make simple, common logic sense to you, to allow for "the global air travelers' rights to healthcare

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in the air." However, please forgive me in advance for not being politically correct.

With great respect, I began my wonderful livelihood career as a Flight Attendant with my Superiors in 1998, and in great health. With respect, about five years later, I was diagnosed with rheumatoid arthritis, also known as RA.

Respectfully, I began treatment for inflammation and swelling that I experienced with RA. Unfortunately, my condition did not get better and so I was trying too find another solution; another treatment medication. Another medication available, as I understood it, would be giving myself a shot of medication every two weeks for the rest of my life. Respectfully, I needed to make a decision.

And with great respect to medicine, it was my deciding moment to personally take the long road. The long road of discovery between cause and effect. Using the process of elimination to simply try and figure out why and how this disease was taking over my life.

Could this unhealthy takeover be all my fault? Could I be contributing to this awful disease and not even know it? As I have heard before in the past, for one's good health, one must drink lots of water, eat right, diet and exercise.

So for the next nine years, from 2003 to 2012, I began taking fruit and vegetable capsule supplements, eating foods that were beneficial to my blood type with lots of water and exercise. And most important to my journey, I made a daily habit of paying attention to my symptoms and monitored my health condition regularly. I was

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making only baby step progress until one day, I decided to do an air sample of where I was living with an indoor/outdoor comparison.

With respect, the results were unhealthy. So with great respect, in my pursuit for good health, I moved out of where I was living. Respectfully, after moving out, I noticed a very positive and exciting difference in my health condition. I personally was beginning to see less inflammation and swelling.

A question I found myself wondering, who would ever think or believe that the air you breathe could be helping or harming your health? With great respect to my Superiors, I was so happy to have some of my freedom back in my life regarding my health; however, it was then, when I would come to work fit for duty and find myself boarding the aircraft, that my symptoms would begin again and become substantially aggravated.

Respectfully, when this happened, I would take the time and assess my conditions of what I was breathing and noticed the scent of the "chemical substance air freshener" in the aircraft cabin. With respect, I then took the precautionary measures to ensure for a safe and healthy aircraft cabin environment for all onboard and began, in 2013, removing the "chemical substance air freshener" and placing it in a wax lined sick bag on the aircraft to prevent the chemical from emitting in the cabin.

Respectfully, it is my duty and responsibility to ensure a safe and comfortable environment in the

aircraft cabin. I truly believe I was doing the right thing for the right reasons for all the people onboard the aircraft, with respect to safety and health, from breathing "chemical substance air fresheners" in the aircraft cabin environment.

Your Honor, and for the record, my very own health results confirmed this precautionary action was the right thing to do. With respect, a fact to note was that in 2013, I was able to stay at work simply by performing this precautionary safety measure and made \$16,442 more than in 2012. With respect, and I believe to be most important, was having good health. Having good health was as simple as paying attention to the air I was breathing. It was astonishing.

With respect, as I understand, our Occupational Safety and Health administration [*sic* "Administration"] communicates, we have a right to know. Respectfully, the right to know what it is so we can protect ourselves because we have a right to work in a safe and healthy environment. Respectfully, with the protective measures I was taking to ensure a safe and comfortable environment, I was able to simply stay at work in a safer and healthier environment and make a simple living.

This was a prayer answered from Heaven up above after so many years. Thank you, Heavenly Father, you are my everything. Respectfully, and unfortunately, a Heavenly prayer answered only too soon to be taken away from me. With great respect to my superiors, the freedom to protect my health in my work environment was taken away in 2014.

In 2014, a new module was required by all Flight Attendants to acknowledge, or not qualified to fly. With great respect to my Superiors, it was a Hazard Communication Module, which included the "chemical substance air freshener" used inside the aircraft cabin.

With respect, this one time only Hazard Communication Module required to acknowledge, or not qualified to fly, did allow me the opportunity to communicate the safety and health concerns with my superiors.

Respectfully, due to the federal law Statute 49 U.S. Code 5134, [*sic* "Respectfully, due to the federal law Statute 49 U.S. Code 5124"] stating hazards are forbidden the aircraft, having a Hazard Communication Module regarding products used in the aircraft cabin was concerning.

Respectfully, I simply asked my Superiors, "What are the alternate protective measures provided as the first aid procedures communicated are not an option on the material safety data sheets for the aircraft cabin products?" The response of which I received was, with respect, a mandatory meeting to be held with my Senior In-flight Manager.

Respectfully, on March 6, 2014, I was present for a meeting with my superior, Senior In-flight Manager, superior, Senior Manager of Human Resources and an Association of Flight Attendant Union representative. With great respect, I shared with my superiors my safety and health concerns up to and including the protective precautionary measures I personally was taking for the health and safety duties at work, which was

sealing the "chemical substance air freshener" in a wax lined sick bag in the aircraft cabin.

Your Honor, when I respectfully utilized my superiors Working Together guidelines, communicating in the mandatory meeting with open, honest and direct communication, it was at that moment my superior Senior In-flight Manager spoke directly to me and said I was not allowed to remove the air freshener disc.

When I respectfully asked her how was I supposed to protect my health her response was, "I don't know; you need to do your research. It needs to pass by management and get approved by corporate." Respectfully, I became lost for words.

Your Honor, when I was a child growing up, I was always taught to respect your elders and people you work for because it is the right thing to do. Your Honor, and with great respect, I would like to take a moment to honor my father and mother. Thank you, my most beloved Mother and Daddy. You have and always will be an inspiration in my life. Thank you for your constant guidance to do good and for your endless love. I miss you, I love you, and I will forever honor you both dearly.

With great respect, it was only by following my superior's instructions and directions, with no protective measures given to me on March 6, 2014, that the sufficient credible medical evidence provided in each and every individual work injury claim, a total of 17, from 2014 to 2016, should yield the permission for allowance.

With great respect for my superiors, I arrive to work fit for duty. And while entering my work

environment to do my job, I noticed my health would begin to deteriorate. I would have no choice but to then visit an onsite airport employee health clinic, only to be sent home. Where I would go directly to the emergency room, only to be seen by the occupational medicine doctor, who would, respectfully, release me back to work because I was fit for duty.

Your Honor, and with respect, as a sidenote for reference, in the district hearing on April 20, 2018, page 28, lines 17 through 21, I would just like to repeat whereby the occupational medicine doctor's letter states in part, and I quote, "It is my opinion, with a reasonable degree of medical certainty, that Ms. Alessio suffered a substantial aggravation of her rheumatoid arthritis when exposed to the air freshener discs in the workplace."

Your Honor, and with great respect, I believe this notation made from the occupational medicine doctor is considered sufficient medical evidence. Respectfully, I believe the words substantial aggravation [*sic* "Respectfully, I believe the words "substantial aggravation"] qualifies for sufficient medical evidence.

Your Honor, and with great respect, the fact is my superiors have removed the "Chemical substance air freshener" discs off the aircraft. And gratefully, there have been no further work related injuries from 2017 to date. Respectfully, I believe this to be the burden of proof.

Your Honor, and with respect, due to the District Hearing Officer's conclusion requiring sufficient medical evidence, I respectfully reached out again

to my doctors. Respectfully, the same letter went to all four doctors. Respectfully, my primary care physician, PCP, at Summa Health; my rheumatologist at Metro Health; my dermatologist and my immunologist/allergist at University Hospital.

These doctors were aware, and in some cases, provided me treatment from 2014 to 2016. Allow me to quote my letter to the doctors in part. Respectfully, both my PCP and rheumatologist responded. My PCP letter and rheumatologist, all four, are written the same. "May 7, 2018. This letter comes to you with care, concern and kindness. I have received a record of proceedings with respect to workplace injury.

"Respectfully, I'm reaching out for 'sufficient medical evidence' for the Hearing Officer. Your respectful response will be communicated at the next hearing, respectfully court reported for transparency. Respectfully, this is about healthcare in the air. Your degree of medical certainty is very important.

"With respect to common sense and logic, the aircraft cabin environment is very unique in that the global air traveling public is unable to remove themselves from this environment due to the fact that we are traveling by air.

"Respectfully, I believe utilizing chemical substances in the aircraft cabin is a violation of Federal Law 49 U.S.C. 5124, with respect to poisons. A dictionary definition of poison: 'A harmful substance that can cause harm or injury to people.'

"Respectfully, the government agencies have not yet responded to my March 1, 2018, letter asking

if using chemical substances to clean and air freshen the aircraft cabin is safe for all onboard to breathe, without harming our health. With respect, the government agency and honorable names are mentioned in the public court report dated April 20, 2018, for claims 15-859117, 15-863145, 15-863147, 16-816266, 16-816267. With respect to the record of proceedings, I am reaching out for sufficient medical evidence to communicate at my hearing.

"Respectfully, I hope you will provide your medical opinion. Respectfully, I would like to know your opinion on the following: One, If you are breathing chemical substances in the aircraft cabin with no protective measures, is it entering your bloodstream and nervous system, harming the internal bodily system?

"Two, if you are breathing chemical substances in the aircraft cabin with no protective measures, are the substances, therefore, considered in the air and therefore also landing on any exposed skin to irritate?

"Three, if you touch anything that has been cleaned or air freshened with the chemical substances in the aircraft cabin, is that contact and can irritate the skin? Four; as a medical professional, do you believe aircraft cabin products should be made available, 100 percent transparent and 100 percent safe to protect the health and safety of all in-flight [*sic* "Inflight Crew"] crew members and air traveling customers? Thank you for your time and hopeful response to this time sensitive matter."

With respect, my PCP response, May 9, 2018, "I received your letter of May 7, 2018, in which you posed four questions regarding the use of unspecified chemical substances in the airline industry. I cannot answer those questions for you."

With respect, my rheumatologist responded on May 29, 2018, and I quote "I am in receipt of your request for a medical opinion on the topic, 'health-care in the air' dated May 7, 2018. As relayed to you by my medical staff on May 14, 2018, your request for medical opinion is best rendered by a different medical specialist. Please consider seeking an opinion from a physician specializing in occupational medicine."

Your Honor, with respect, a referral was made to see a physician specializing in occupational medicine. The letter dated July 24, 2018, was respectfully submitted to the Ohio Industrial Commission and reads in part, and I quote "Thank you for contacting our office in regards to your injury from 2015. Unfortunately, our office does not take on any old injury claims."

"We recommend that you follow up with the physician of record that is listed on your claim." Your Honor, and with respect, my occupational medicine physician of record for my work injury claims is, with respect, no longer available.

Respectfully, I did not get a response from the dermatologist, immunologist/allergist. With respect, I reached out to the President and CEO of University Hospital in hopes for a response. Respectfully I received no response.

Your Honor, and with respect to the Dermatology Department at University Hospital, I believe that sufficient medical evidence was provided at my last hearing. Please reference the district hearing court report dated April 20, 2018, page 22, lines 13 through 21. It is with respect to an e-mail communicates that the manufacturer and fragrance vendors are unwilling to prepare a patch test with the substance or component ingredients because it would be unsafe.

Your Honor, and with respect, if a procedure could not be done to the toughest entrance to the body, our skin, why or how would it be okay to inhale and breathe the withheld chemical substance, component ingredients, into the most sensitive entrance into the body, through our nose? With respect, this is a "chemical substance air freshener" allowed by my superiors for use inside the aircraft cabin.

Your Honor, and with great respect, on June 2, 2014, I arrived at my immunologist/allergist doctor's office at University Hospital for an ambient exposure challenge test. Respectfully, my superiors delivered the onboard aircraft cabin products via courier to the doctor's office for the test.

Doctor's expectation and doctor' findings letter from the test can be found under number 2, work injury Claim Number 14-809315, respectfully submitted by my superior's legal representative on June 5, 2014. Respectfully, with her cover letter it states, and I quote, "Please submit these documents to the state file."

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Please allow me to read just a simple notation from the doctor's expectation letter dated May 23, 2014. The simple notation before the test by the doctor states in part, and I quote, "One would expect to see redness, swelling, increased circumference of the joints."

Please allow me to read just a simple notation from the doctor's findings letter dated June 2, 2014. The simple notation after the test made by the doctor states in part, and I quote, "The joint circumference did increase 0.25 to 0.75."

Respectfully, the doctor's findings are amended June 11, 2014, and has been respectfully submitted to the Ohio Industrial Commission today from me. I don't know if it was prior to because I had a different attorney with some of these earlier cases; but please allow me to read a simple notation from the amended letter. The simple notation made by the doctor states in part, and I quote, "There is a strong possibility that exposure to United Airlines onboard products contributes to Ms. Alessio's arthritis exacerbations."

Respectfully, please allow me to read a follow-up notation made by my rheumatologist with respect to the test. Respectfully, on July 15, 2014, my rheumatologist states in part, and I quote, "Objectively demonstrated joint swelling in MCP and PIP joints of fingers on both hands."

With the utmost respect to all of my doctors, I am grateful for the care you have provided. You are all sincerely amazing medical professionals to me and I thank you. Your Honor, and with respect, a

definition of rheumatoid arthritis is: "Inflammation of the joints." A definition of the word poison: "A substance that can cause harm or injury to people."

See something, say something. With great respect to my superiors, the company, through the Safety Management System, SMS, describes a hazard as "a condition with the potential to cause harm." Respectfully, my superiors communicate the responsibility and role for a Flight Attendant is to report hazards for corrective action to create a safe environment.

Respectfully, my superiors work on the ground and not in the air. With great respect, and due to this distinct fact, I have reached out and invited my superiors to please come fly with me. Respectfully, my superiors have not accepted my invitation to come fly with me.

With respect, our Policies and Procedures Manual further communicates Flight Attendants are responsible to work safely and promptly report any concerns up the leadership chain until resolved.

With respect, my superiors also communicate in our safety policy that the safety, welfare and health of our employees and customers are very important. With dignity and respect, we all share in the responsibility of running a safe operation and maintaining a safe and healthful workplace.

With respect, the introduction to my hearing here today can be summarized and thoughtfully commu-

nicated through my superiors' Safety Management System, SMS, that there is no value more important than safety.

Your Honor, and with respect, I believe and trust that there is no value more important than safety. Therefore, with great respect to my superiors and to this staff hearing today, I have respectfully requested the certification and verification that the use of the onboard aircraft cabin chemical substance products are in 100 percent compliance with the rule of law [*sic* "products are in fact 100 percent compliance with the rule of law"].

The rule of law I'm referring to is a federal law. With respect, Federal Law 49 U.S. Code 5124. Respectfully, this federal law is in regards to forbidden hazardous materials allowed on the aircraft. With respect, I believe this rule of law was passed to protect the people from harm while traveling by air.

Respectfully, I have reached out to the following, requesting a response to the certification or verification of being in compliance with the rule of law. Number one, March 1, 2018, a respectful letter went to five honorable leaders of our great country: Attorney General; Federal Bureau of Investigation; Environmental Protection Agency; Department of Transportation; Health and Human Services.

Your Honor, and with respect, I am sorry. With respect, I have received no response from my letter, which was respectfully submitted to the Ohio Industrial Commission.

Number two, June 26, 2018, a respectful e-mail was sent to my superior Senior In-flight Manager. Your Honor, and with respect, I am sorry. I have received no response, no documents confirming certification or verification from a federal government agency of being 100 percent in compliance with the rule of law, from my superior Senior In-flight Manager to provide for you.

Number three, June 26, 2018, a respectful letter was faxed to my superior's legal representative. Your Honor, and with respect, I am sorry. With respect, I have received no response, [*sic* "with respect, I have received no response, no documents"] do documents confirming certification or verification from a federal government agency being 100 percent in compliance with the rule of law from my superior's legal representative to provide to you.

Number four, July 10, 2018, a respectful e-mail was sent to the Congresswoman in my zip code area, reaching out for oversight. Respectfully requesting confirmation of the certification and verification to rule of law and the chemical substances used for the aircraft cabin.

On July 12, 2018, I followed up with my e-mail and was referred to the transportation and health divisions. Respectfully, I e-mailed both departments on July 12, 2018, and have respectfully received no response to provide for you.

Your Honor, and with respect, I have received no response, no documents of certification and verification that, in fact, the onboard "chemical substance air freshener" and chemical substance cleaning

products used for the aircraft cabin are 100 percent in compliance with federal law.

Your Honor and with great respect, is there a document from the federal government? Respectfully, if so, where can I find the document? Respectfully, this is about the safety and health of the global air traveling public. Your Honor, and with great respect, I believe it is important to also note and communicate on the record as well, that as of today, my Federal Court Case 5:17 CV 014265, is still pending. [*sic* "my Federal Court Case 5:17-cv-01426, is still pending"]

Respectfully, to help with the level of concern this has taken on, a lot can be found and is available on the Internet for the world to read. A few examples to search for understanding are one, Flight Attendant health study; and two, Flight Attendant cancer.

Respectfully, I believe there is an answer to cancer. One answer to cancer might possibly be, with the utmost respect, I want to believe with my heart, that the Almighty God looking down upon us all, designed our bodies for good health. Respectfully, I have been taught to take precautionary protective measures with chemical substances.

Respectfully, chemical substance air fragrances could be a factor harming our health. Just a thought. Respectfully, could the "chemical substance air fresheners" and chemical substance cleaning products used in the aircraft cabin be violating the United States Constitution by not

providing protective measures to chemical substances used in the aircraft cabin and therefore, not protecting the people?

Respectfully, are air travelers being neglected and ignored with respect to chemical substances in the aircraft cabin? Respectfully, I believe before we have a healthcare plan for people, we need a healthcare transformation plan for Mother Earth. She's hurting across our global home. Respectfully, from the top down to the bottom up, from the long chem trails across the sky to the many toxic landfills.

A simple cure to bring our global home back to good health is a global recycling system. A simple color coded depositing system everyone in the world can participate in to make our God-gifted, beautiful world of ours a better, happier and healthier place to live. Example: Blue for paper, red for plastic, green for aluminum and steel and yellow for glass, across the entire globe.

Your Honor, and with respect, we are a product of our environment. If we don't care for our global home, what is that saying about our own health? Let's reset to recycle, protecting Mother Earth with a healthcare system where all of us can begin to feel better.

With respect, just think about this: Mother Earth might just have less hot flashes. This may interest those with the concern out there about global warming. If plastic and aluminum materials that hold in heat are in waste landfills, wouldn't that overheat Mother Earth's surface level?

With respect, instead of removing plastic straws from businesses—

HEARING OFFICER: Ma'am, we've got to focus—

MS. ALESSIO: Have a—

HEARING OFFICER: Ma'am, stop.

MS. ALESSIO: —red—

HEARING OFFICER: Ma'am.

MS. ALESSIO: This is my opening statement, Your Honor.

HEARING OFFICER: I understand, but we are not talking about plastic and straws—

MS. ALESSIO: Okay, I won't talk about that. I will talk about—

HEARING OFFICER: —we're talking about your claims. You understand—

MS. ALESSIO: I understand and it is very relative—

HEARING OFFICER: Excuse me, I'm running the show here. Your opening statement has been going on for 55 minutes. You are getting into a lot of stuff that has nothing to do with what is in front of us. Focus on the issue.

MS. ALESSIO: I am. With all of my heart, I am. It was just a thought. My prayer is that indoors, aircraft cabin onboard "chemical substance air fresheners" and cleaning products are made 100 percent transparent, 100 percent safe, with a certificate of verification from the federal government, in fact, stating 100 percent compliance with federal law, 49 U.S. Code 5124.

With great respect to our government, I truly believe that they should not be above the law and provide a certificate of compliance to the global commercial airlines.

Respectfully, today it is an open secret. Respectfully, by that I mean, anyone can call the airline industry and ask what it is they use to clean and air freshen the aircraft cabin and do their very own opposition research. With respect, what is the right thing to do for the global air traveling public who doesn't know to know?

With respect, I sincerely believe to ensure a safe and comfortable environment, onboard aircraft cabin products should become 100 percent transparent, safe and in compliance with federal law.

In conclusion to my opening statement regarding my work injury claims, Your Honor, and with the utmost respect to my superiors, I believe the five following forms of evidence provide the burden of proof for which my environmental work injuries should be granted for allowance.

One, rule of law 49 U.S. Code 5124 a federal law which forbids hazardous materials onboard the aircraft. Number two, with respect, my superiors have only a one time "Hazard Communication Module" required by Flight Attendants to acknowledge, or not qualified to fly. With respect to the "chemical substance air freshener," providing no protective measures.

Number three, doctor's result to the onboard chemical substance products provide sufficient medical evidence. Number four, the "chemical substance air freshener" given direction and

instructions not to remove by my superiors, 17 work injury claims from 2014 to 2016, a two year period; I had 17 work injuries.

With respect, the product was completely removed across the mainline fleet from the aircraft cabin. No work injuries have taken place from 2017 to date. Number five, with respect to federal law, no documents have been submitted stating from the federal government certification or verification that the onboard chemical substance products used in the aircraft cabin are 100 percent in compliance with 49 U.S. Code 5124.

Your Honor, in closing with my opening statement, I believe there is a true and sincere need for change. With respect, change for a more healthful workplace, travel environment in the aircraft cabin. With respect to my superiors, I will continue to pray for a chemical free aircraft cabin environment with products made 100 percent transparent, 100 percent safe and 100 percent in compliance with federal law. Thank you for your time and for your consideration. Sincerely, Tina.

HEARING OFFICER: Ms. Everett, do you want to say something?

MS. EVERETT: I have one question for Ms. Alessio. Are you still flying?

MS. ALESSIO: Yes, ma'am.

HEARING OFFICER: You say they don't have the products in the planes anymore?

MS. ALESSIO: Chemical substance product number one has been removed.

HEARING OFFICER: You are not having any issues now; am I correct?

MS. ALESSIO: Not to the level and degree of which I had.

HEARING OFFICER: Go ahead, Ms. Everett.

MS. EVERETT: Sure. There was testimony at the DHO hearing that Ms. Alessio continues to work and apparently also today, she continues to work and fly in the aircraft. There was also testimony at the DHO that she doesn't touch any of these products whether they are spray products or cleaning products or—

HEARING OFFICER: Air fresheners and what have you—

MS. EVERETT: She doesn't physically touch any of them and that testimony, I think, has been consistent throughout all of her claims.

HEARING OFFICER: I say that.

MS. EVERETT: So the employer's position is that there is no evidence that the products used to clean and freshen the air on the aircraft are hazardous. You have the MSDS sheets, they were submitted in response to the subpoena. Although, Ms. Alessio has testified extensively that she believes that they are hazardous, she is not really qualified to render that sort of testimony and there is no evidence that the cleaning products are hazardous.

There is also no medical evidence on file that gives the opinion of medical causation. As I understand it, Ms. Alessio's theory of her case is that smelling

the products, not touching them, either causes a rash or some sort of aggravation of her pre-existing disease is not compensable, even if there is medical evidence that provides a causal relationship.

HEARING OFFICER: That would be for an occupational disease. You can have an injury for substantial aggravation of a preexisting disease.

MS. EVERETT: Right, if you have medical evidence.

HEARING OFFICER: That is Brody versus Mihm, that is over a period of time.

MS. EVERETT: If there was medical evidence to support that.

HEARING OFFICER: Right.

MS. EVERETT: Which there is not. Ms. Alessio spoke of some of the information from Dr. Eli Silver, because she did have an ambient air testing performed by Dr. Silver in June of 2014. And there are several reports from Dr. Silver on file. In the opinion section of his report dated June 2, 2014, he notes that she exhibited subjective pain and limitation of movement in her joints affected by her rheumatoid arthritis.

However, he concludes, "Overall I was unable to confirm exacerbation of the arthritis with a 100 percent certainty. Moreover, as the science stands today, there is no plausible mechanism to directly link the exposure to fragrance and the auto-immunity of rheumatoid arthritis.

You know, that report was considered by many Hearing Officers in the previous claims as not

being sufficient to allow a claim. Really there is no other medical evidence on file that really even addresses the issue.

She has filed 17 claims alleging 17 different dates of injury. In fact, today she has not specifically articulated the nature of her injuries over the five claims that you are to address today, or the medical evidence that supports each one of them individually, or as a group, other than evidence from Dr. Silver, which took place before any of those incidents took place.

It is the employer's position that there is no evidence that the cleaning products present any hazard, or are hazardous to Ms. Alessio or anyone else. All the claims should remain denied and that the decision of the District Hearing Officer should be affirmed; and that no new medical evidence has been submitted since the last hearing that would support allowance of any of these claims.

HEARING OFFICER: These medical that you submitted today, these are in the earlier claims from 2014?

MS. EVERETT: Well, not the letter from Ms. Fudge, but the June 11, 2014 letter from Dr. Eli Silver was reviewed in previous claims. Those are all on file.

HEARING OFFICER: I'm looking at what I have here and what she filed today. I think I just have—

MS. EVERETT: You know, the new letters 2018, where the doctors indicate they can't really

provide an opinion, those are ne but they don't really support allowance.

HEARING OFFICER: You are talking the May 9th?

MS. EVERETT: Yes. And then the June 11, 2014, letter from Dr. Silver says it is not possible to establish the causation with 100 percent certainty; but he says there is a strong possibility that exposure to the products contributes to arthritis exacerbation.

A possibility is not enough; he needs to indicate a medical probability. And this report of June 11, 2014, was already considered by the Industrial Commission in orders with regard to the prior claims and found to be insufficient.

HEARING OFFICER: Is that all, Ms. Everett?

MS. EVERETT: That is all.

HEARING OFFICER: Ma'am, I hope I'm pronouncing your last name right; is it Alessio?

MS. ALESSIO: Yes, sir.

HEARING OFFICER: Your response to Ms. Everett?

MS. ALESSIO: Yes, sir. Your Honor, I would like to make a mention with her response to how can smelling cause inflammation to the joints? And two reasons I have to kind of give you that. I would love for you to think about and provide your opinion with your conclusion.

The ambient exposure challenge test was just going into the room where these chemical air fresheners were in and breathing; that is all you did. And he notes that the joint circumference did increase in his report.

And the second reason would be a question you would want to ask yourself: Why do we wear protective measures when we are dealing with chemicals? Because of the reason that would harm us. It is going in the body with no way out. I say that because when you eat and drink, you have an entrance and exit; but what you are breathing goes into your bloodstream and into your nervous system. There is no way to get it out.

Your body is saying, "No, I don't like it." That is the way your body is telling you—at least, it was me. You know it; you feel it. More so you feel it than anyone else, because you could go to the doctor and he couldn't tell you if you had a headache; only you know. But for the visual and the measurements that were taken, factually stating that the joint measurement did increase. I can't make my joints increase.

That is because I'm inhaling the chemical substance, which is an air freshener of all things, which doesn't make sense to me, but that is why my body would do that. And you know, as far as my medical, for every claim here today, it was communicated in specifics in the previous court reports and I would love for you to refer back to those.

HEARING OFFICER: You are talking about the transcript from the prior hearings? I have that here.

MS. ALESSIO: You have two public court reports?

HEARING OFFICER: It makes my life easier having a hard copy versus trying to read it on the computer.

MS. ALESSIO: Also in response, my superiors' legal representative stated that my superiors state that the onboard products are not hazardous. I did provide for you the Irregular Operations Report that I submitted this year. This is actually this year that I wrote it.

It is Irregular Operations Report 95644; it was created on June 24, 2018, so it was recent. At the time, I was asking for the certification and verification to the rule of law that, in fact, my superiors were in compliance. That is why I have the Federal Court case, because the EEOC, Equal Employment Opportunity Commission, couldn't say whether or not my superiors were in compliance with the statute.

That is why my case is at the Federal Court, to get that answer; are they or are they not? The best way I know how. With great respect, I'm not an attorney. I, you know, respect all attorneys for the work that they do. And I'm not a doctor, and I respect all the work that doctors do.

I'm a simple, simple person that is trying to go to work and not have to worry about my health, as well as not worrying about everybody else's, because they are breathing the same air I'm breathing.

With respect, the Irregular Operation Report—may I quote it for the moment here, the Irregular Operation Report, sir?

HEARING OFFICER: Yeah.

MS. ALESSIO: So I had written, "With respect to United Eco-Skies recycling paper, plastics and

aluminum onboard the aircraft, protecting the environment; is there a way we can protect our health and use eco-friendly, non-toxic chemical-free products?

"Respectfully, June is National Safety Month; see something, say something. Respectfully, this is about the safety of our customers' health while flying. Respectfully, can we be more transparent with what we are breathing, the chemical substances?

"Respectfully, if not; may I please ask, why not? Hope to hear from you. With respect to my in-flight management, [*sic* "Inflight Management"] I would love for you to come fly with me. Sincerely, Tina." Then it says, "Do you have suggested resolution to the event?" [*sic* "Do you have a suggested resolution to the event?"] on the report. I wrote, "Respectfully, 100 percent safe and transparent cleaning and air freshening products for the aircraft cabin."

This particular IOR, I received a response, and I would like to read it and quote it. Under action item Response, [*sic* "Action Item Response"] it states, and I quote, "Thank you for your concern. United strives to provide a safe and clean working environment for all coworkers. All chemicals are vetted by our engineering team, in-flight safety and corporate safety teams, to ensure this is maintained. All chemicals authorized for use onboard United aircraft have been vetted through this process."

Your Honor, and with great respect, I guess the most troubling and most concern when I read

this, there is no federal law certification, is there? That, in fact, my superiors are not above the law and following 49 U.S. Code 5124. My hope and prayer is that this is the case.

I don't know if there is a document that says they are compliant. Right here, when I read the Irregular Operation Report, it leaves it wide open for anyone to think that my superiors are deciding what we are breathing. And with great respect, I thought chemical substances—for example, if somebody opens up nail polish on the aircraft; you can't do that. You can't paint your nails on an aircraft.

Well, what is the difference between that and spraying a chemical through the cabin that is an air freshener, or previously, with these hearings present today that we are talking about, having one that is emitting 24/7 on the aircraft? It didn't make sense then, it doesn't now.

They removed the most offending, but there are still chemicals that need to be certified by the federal government, with great respect, and I just don't think there is one, a document. I don't even know what it would look like, or what it would say. It needs to—if my superiors are the only ones deciding what we are breathing onboard the aircraft cabin, I don't know if the federal government knows if they are following federal law. I would think they would want to look at that.

I'm trying to put everything together and have it make sense as to why. They are not in this work environment; they work on the ground, not in the air. Respectfully, I don't know why they didn't

want to [*sic* "why they don't want to"] shadow me and watch me do my job, which I love with all of my heart. People are my passion; I love people. You knew they are everything. We should love, you know the fact that we are in this environment that—we should be transparent with what we are breathing; it shouldn't be a secret. And at this time today, it is.

I don't know why that in my Equal Employment Opportunity Commission, they redacted 12 pages from my Freedom of Information Act administrative file. I communicated that in one of my court reports; that is on the record for public opinion. They mention something about their concern for public scrutiny. It should be safe; it should be transparent; it should be open. We shouldn't have any secrets, especially at 30,000 feet.

I don't know; it just makes sense to me. I'm hoping it makes sense to you when you review the information. Like I said, I'm just a simple person making a simple living. But I do have to say that I know I did not take an oath for my job as a Flight Attendant to protect the people. And that is a U.S. Constitution, you know, obligation that when you become part of the government world where you are working at the pleasure of the President's, that you do take an oath to protect the people because that is our U.S. Constitution.

I'm just trying to be morally and ethically, you know, like my conscience, you know, just doesn't sit right knowing this is going on. I can't stop. I have to go the full due process, wherever it takes me and however long it takes me. Because I don't want customers and crew members to come up to

me and say, "Why didn't you do better, Tina? Why did you just let go?" I can't let go.

I need verification and certification that these chemical substances, of which some ingredients are withheld, which doesn't make sense, are in compliance with federal law. It just seems fair, right and just. And my duty as a Flight Attendant, my responsibility, Your Honor, and my duty as a Flight Attendant is to ensure a safe and comfortable environment.

I can't turn around and walk away. I don't want to either; I love my job. But we shouldn't have to go to work and worry about our health. I hope you can see it, not only through my eyes, but through the feet that I—and shoes that I walk in and what I have experienced going through the last—well, since 2014, years of my life. I thank you, Your Honor, for listening.

HEARING OFFICER: I'm going to ask you a few questions because we have five claims here today. They didn't print out in order, so I made my own little cheat sheet here. You are alleging on November 27, 2015, and the following day, November 28, 2015; is that correct?

MS. ALESSIO: That is correct.

HEARING OFFICER: Did you receive any treatment for the November 27th incident, or was it all done on the 28th?

MS. ALESSIO: It was all on the 28th, I believe. I believe with my heart and I can look through if you like.

HEARING OFFICER: Do you recall seeing anything, Ms. Everett, on the 27th?

MS. EVERETT: No.

MS. ALESSIO: I would have it in here. This is it and it is dated on the 28 in my 27th file. The clinic at Houston, I did not go through the Houston clinic or anything I did not see a clinic, no. It was only on the 28th. I addressed both because I have pictures of both.

HEARING OFFICER: Okay. That is what I wanted to verify. Let me just put this in my notes.

MS. ALESSIO: Here, you can see—I know it is a court report, but still I am showing you the pictures. This was on the 27th and I did not go to the clinic. This was on the 28th and I did. I covered both because it happened on the 27th; I didn't want to ignore that date. And I have the picture to show the physician there at the clinic in Houston.

HEARING OFFICER: Like I said, I'm looking at my notes here trying to verify. So we have today's; 11-27, 11-28, 12-20, these are all 2015. And the 2-7 and 2-10 are 2016 claims.

MS. ALESSIO: Correct.

HEARING OFFICER: Are there any other claims out there?

MS. ALESSIO: There are only five that we are hearing today, so you just mentioned three in '15—

HEARING OFFICER: There were some earlier ones disallowed. Are there any others floating around out there right now?

MS. EVERETT: Not currently.

MS. ALESSIO: You mean that still have an opportunity to be heard?

HEARING OFFICER: Any claims that have been filed that have not been processed yet.

MS. ALESSIO: There was one filed. It is Claim Number 16-113538, date of injury, 11-16-2016.

HEARING OFFICER: What was that again?

MS. ALESSIO: Yes, Your Honor, 16-113538.

HEARING OFFICER: All I needed to hear were the first numbers. I'm looking at my list here so that—

MS. ALESSIO: It is not here because it is way out there. I, respectfully, for these five claims, dismissed without prejudice to be heard at a later date.

HEARING OFFICER: Right.

MS. ALESSIO: When we get later to that point in time, my hope and prayer is this will be resolved.

HEARING OFFICER: That is just what I wanted—so there is another one out there and there is a potential for that coming up for hearing. Right now, we have the five; the others have been disallowed, I believe. I have five as reference claims. Am I correct? One 2010 claim and four 2014 claims.

MS. ALESSIO: Yes. The one in 2010 was to an aerosol spray can.

HEARING OFFICER: Right. I was looking, trying to go through these not having a physical file.

MS. ALESSIO: This is my best friend (indicating).

HEARING OFFICER: Each one of these represents a separate file, separate claim, it makes my life easier. The transcript was the same for all the files, so I printed that out. I have a lot of stuff that you relied upon broken down by claim number and date of injury. I have your application in each file; I have a copy of the prior order. Everything else in the files are essentially the same.

MS. ALESSIO: Yes.

HEARING OFFICER: I'm trying to think if I have any other questions. It is Monday morning, so just bear with me.

MS. ALESSIO: No problem. Correct in that all the medical I was able to communicate, that I had submitted to the Industrial Commission is in the court reports—

HEARING OFFICER: Hang on a second. I need to— what I want to do is get a Post-It note out. What you filed here today, I want to make a note that they are going to have to image this into each file, since each file represents—

MS. ALESSIO: Yes, sir. I have that, it will be submitted today, after the hearing. I put the claim numbers on them, the files.

HEARING OFFICER: This is actually going to have to be imaged. The person that is going to do it, I want them to know to image it in each file. What will happen is they will put it in one and I want all the files to have everything in them they are supposed to have.

I'm going to look at each file individually. I'm kind of old school; I start at the beginning. I'll start at

11-27 and progressively go forward. I have the others here. I looked at a reference file. I have a lot of work ahead of me.

MS. ALESSIO: Well, I appreciate every effort to see righteousness.

HEARING OFFICER: I apologize for being rough on you earlier, ma'am; but I had to get you to stick to the issue today. I'm not a bad guy or meany. I have to do that; I have done it many, many times, so you are not the first one.

MS. ALESSIO: It is okay; I understand.

HEARING OFFICER: I hope you understand that I have to let things kind of focus on what we are doing at the hearing and you started getting off into recycling and what have you that was out of the realm of what we are doing.

MS. ALESSIO: It was due to the fact, with great respect, my superiors recycle. So it really, I think—

HEARING OFFICER: I know, but it was kind of getting out there and I had to bring you back in. Again, I'm sorry but I had to for everyone's benefit. Anything else?

MS. ALESSIO: I do have a two minute closing statement.

HEARING OFFICER: I'll time you.

MS. ALESSIO: With great respect, Your Honor, I would like to recite the American's Creed. It is by William Tyler Page, written in 1917 accepted by the United States House of Representatives on April 3, 1918.

"I believe in the United States of America as a government of the people, by the people, for the people; whose just powers are derived from the consent of the governed, a democracy in a republic, a sovereign Nation of many sovereign States; [*sic* "a sovereign Nation of many sovereign States"] a perfect union, one and inseparable; established upon those principles of freedom, equality, justice and humanity for which American patriots sacrificed their lives and fortunes.

"I therefore believe it is my duty to my county [*sic* "country"] to love it, to support its Constitution, to obey its laws, to respect its flag, and to defend it against all enemies."

And With great respect, Your Honor, my closing statement. With great respect I love United Airlines and my Flight Attendant Career. With great respect, I love the global air traveling public, [*sic* missing "you are so very special to me"], you are family. With great respect, I love and believe in the United States of America.

With great respect, I love, believe and trust in God, the Father Almighty, creator of Heaven and earth. With great respect, I believe in faith, hope and love. With great respect, I believe in the U.S. Constitution to protect the people.

With great respect, I believe with the dignity and respect the global air traveling public deserves, that pure and simple, safe and transparent aircraft cabin air quality products for a more pleasant flying experience across America and around the world will one day prevail.

With respect to my opening and closing statements I will be respectfully submitting my complete written report to the Ohio Industrial Commission to provide insight, clarity and understanding for a fair, right and just hearing. Sincerely, Tina.
Thank you Honor.

MS. EVERETT: Nothing further.

HEARING OFFICER: No statement?

MS. EVERETT: No, sir.

HEARING OFFICER: Let me do this: I'm going to take the matters under advisement. I will consider everything that was said here today and look at the evidence on file, plus what you've submitted. Everyone should get a copy of my decision in a week or so.

(Thereupon, the proceedings were
concluded at 10:24 o'clock a.m.)

CHAPTER THREE

CONCLUSION

IN CONCLUSION:

PREVIOUSLY IN "AMERICA, THE JURY", REFERENCE CLAIM
"HEARD WITH" CLAIM #16-807292 REGARDING AIRCRAFT
CABIN AIR-QUALITY WERE DENIED AND DISALLOWED.

Aircraft Cabin Air-Quality Claims Heard
DENIED AND DISALLOWED (NOT COURT REPORTED)
FROM 2010 TO 2015

2010 — One
2014 — Five
2015 — Seven

1. CLAIM: AIRCRAFT CABIN AIR-QUALITY

With Respect, Record Of Proceedings Mailed
8/3/2018, States Claim Heard At The Staff Level,
Is Denied And Disallowed.

With Respect, On 8/8/2018, I Appealed The Staff
Level Decision, And Respectfully Requested To
Be Heard At The Commission Level.

With Respect, Record Of Proceedings Mailed 8/22/
2018, Communicates 2 Staff Hearing Officers
Reviewed Appeal On Behalf Of The Commission
And Concurred With The Decision Of Appeal Be
Refused.

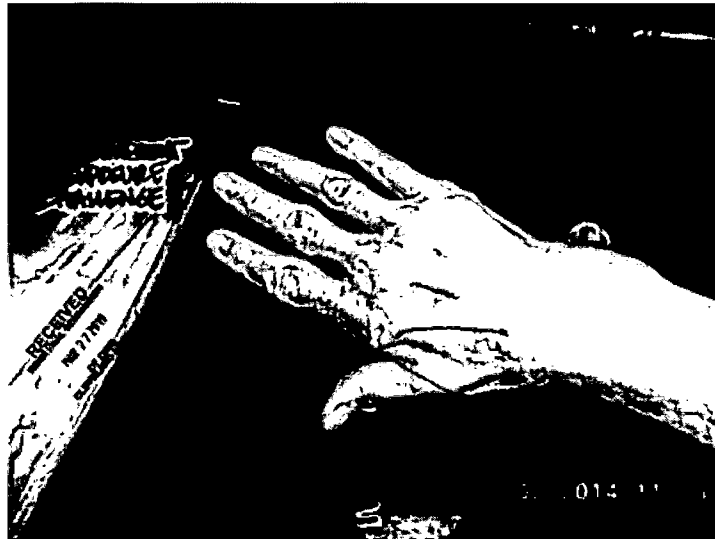
With Respect, Request for Reconsideration to be
heard at the Commission Level was filed on 8/23/
2018, and was once again denied, and mailed on
10/17/2018.

App.297a

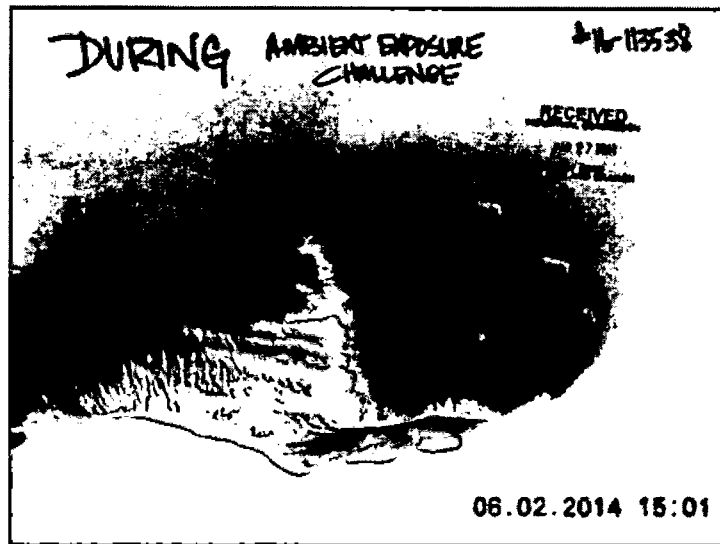
Respectfully Submitted #15-859117, #15-863145,
#15-863147, #16-816267, #16-816266



BEFORE



App.298a



DURING



App.299a

CHAPTER FOUR

THE QUESTION

WITH GREAT RESPECT, ONE QUESTION:

WITH THE UTMOST RESPECT TO "AIR-TRAVELER'S "HEALTH
AND SAFETY ~

DO YOU BELIEVE PRODUCTS USED TO CLEAN AND AIR-
FRESHEN THE AIRCRAFT CABIN SHOULD BE TRANSPARENT,
NO SECRETS, WITH COMPLETE LIST OF INGREDIENTS MADE
AVAILABLE, FOR A BETTER AIR-QUALITY ENVIRONMENT?

App.300a

CHAPTER FIVE
THE VERDICT

AMERICA, THE JURY:

YOUR VERDICT IS IN...

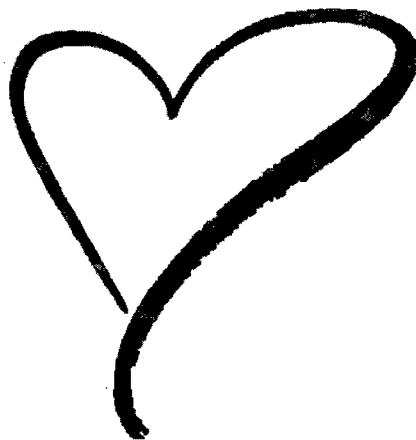
WHEN YOU RESPECTFULLY CONTACT:

UNITED STATES OF AMERICA
AIRLINE INDUSTRY, AND INQUIRE.

WITH GREAT RESPECT, THAT IS IF YOU
BELIEVE YOU HAVE THE RIGHT TO KNOW...

App.301a

AMERICA, THE JURY
SECOND SEQUEL



WITH GREAT RESPECT, THIS HAS BEEN A
TRUE LIFE EXPERIENCE

CHAPTER ONE
DISTRICT HEARING — COURT REPORT
(FEBRUARY 7, 2019)¹

BEFORE THE
INDUSTRIAL COMMISSION OF OHIO

CHRISTINA ALESSIO,

Claimant,

v.

UNITED AIRLINES, INC.,

Employer.

Claim No. 16-113538

BE IT REMEMBERED, that upon the hearing of the above-entitled matter, held at the Cleveland Industrial Commission, 615 West Superior Avenue, 5th Floor, Room 3, Cleveland, Ohio, before the District Hearing Officer William Heine, Presiding, and commencing on Thursday, the 7th day of February, 2019, at 9:00 o'clock a.m., at which time the following proceedings were had.

APPEARANCES:

On Behalf of the Claimant:
(Pro Se) Christina Alessio

¹ Errata in the original transcript have been noted in the body of the text.

(redacted per the Claimant's request.)

On Behalf of the Employer:

VORYS, SATER, SEYMOUR AND PEASE, LLP

By: Margaret D. Everett, Attorney at Law
200 Public Square
Suite 1400
Cleveland, Ohio 44114
216/479-6102
Mdeverett@vorys.com

HEARING OFFICER: All right. Everybody ready?

MS. ALESSIO: Yes, sir.

HEARING OFFICER: All right. Real good.

Okay. I will just do some introductory things, and then we will get started.

We are here on Claim #16-113538. The Claimant's name is Christina Alessio. The Employer is United Airlines, Incorporated.

Present are the Claimant, Ms. Alessio. She has a court reporter present, as well.

Off the record for a second.

(Thereupon, a discussion was held off the record.)

HEARING OFFICER: Okay. Present are the Claimant, Ms. Alessio. She has a court reporter present, as well. Attorney Everett is here on behalf of United Airlines. And the Hearing Officer is William Heine.

We are here today on the application filed by the Claimant asking that — asking for a determination regarding compensability of her claim.

I will state, before we go further, that with the court reporter present, I just ask everybody to speak clearly so the court reporter can pick up what we are all saying. The court reporter cannot pick up nods of the head or hand gestures.

Before we proceed further, Ms. Alessio, I assume you are going to testify today; is that correct?

MS. ALESSIO: Yes, sir.

HEARING OFFICER: Okay. So I would ask you to face the court reporter. Raise your right hand. And she will swear you in.

CHRISTINA ALESSIO of lawful age, the Claimant herein, having been first duly sworn, as hereinafter testified and said as follows:

HEARING OFFICER: Okay. Thank you. Also, the — I just have to state the obvious. I see you do not have an attorney today. And I see you have filed applications before, so you are a little bit familiar with this system.

Is it your intent to go forward without an attorney today?

MS. ALESSIO: Yes, sir.

HEARING OFFICER: Okay. Very good.

Okay. Just so you know, you have a right to have one. You can have one, if you want to. You don't have to have one. Thank you.

So you are in agreement, you are okay to go forward?

MS. ALESSIO: Yes, sir.

HEARING OFFICER: Okay. Very good. Okay. You have already met, I think, Ms. Everett?

MS. ALESSIO: Yes, sir.

HEARING OFFICER: So why don't we proceed? Why don't you explain your application, and what you would like to accomplish today.

MS. ALESSIO: I have a procedural issue, Your Honor. I would like to confirm with you the ability for more time to submit my transcript, due to my work schedule.

HEARING OFFICER: I don't really have control over that. The — you know, I — your — I am confused on what you are asking. You want—

MS. ALESSIO: A week from today is enough time for me to submit my transcript of today's hearing.

HEARING OFFICER: Okay. All right. Do you have any problem with—

MS. EVERETT: No.

HEARING OFFICER: Okay. Well, I don't — if the Employer is not going to object, a self-insured Employer, I don't see any problem. And it is on the record now that she has no objection.

And, quite frankly, I have never — I generally do not get involved with the filing of the transcript, because it is after my hearing. And then I lose any authority over the claim, as a District Hearing Officer. So I have never — I have never heard of anybody on an allowance issue not being able to file a transcript.

So the Employer is not objecting, so I don't see any problem with you filing the objection, as long as it is within a reasonable amount of time.

I assuming that no matter what I do here, this might get appealed. There is the likelihood of an appeal, and then another hearing, so you just want to make sure you get it filed before the next hearing.

MS. ALESSIO: Yes, sir.

HEARING OFFICER: That is basically what you are doing, is preserving the record.

MS. ALESSIO: Thank you.

HEARING OFFICER: I will be taking notes.

MS. ALESSIO: Thank you.

HEARING OFFICER: And just so you know, I will be issuing an order. I am not going to wait for the transcript. I will be taking notes today, listening to the testimony and to the arguments, and I will — I will get an order from there.

Also, Court Reporter, if — since there is three of us, and we are all going to be talking probably in a summary fashion, if you need us to slow down at any point in time, just let us know.

THE REPORTER: Thank you.

HEARING OFFICER: Okay.

MS. ALESSIO: Your Honor, I have an opening statement.

HEARING OFFICER: Yes.

(Thereupon, the following Opening Statement
was read by Ms. Alessio as follows:)

MS. ALESSIO: "I would like to begin my Opening Statement by acknowledging the presence of our Great American Flag in our hearing room today, by standing with my right hand over my heart for the love of our Country, and gratefully recite: "The Pledge of Allegiance". Please, feel welcome to join."

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

Thank you, Your Honor.

HEARING OFFICER: You're welcome.

MS. ALESSIO: "With respect, I would also like to take this opportunity to thank the District Hearing Officer, Mr. William Heine, my Employer's Legal Representative, Ms. Margaret Everett, and today's hearing Court Reporter, Jerri Wheat. Thank you all for your time today.

"My Closing Statement will take less than two minutes. Therefore, my Opening Statement will continue.

"YOUR HONOR and with great respect, today's District Hearing is about Life, Liberty and the pursuit for Righteousness at 30,000 feet.

"YOUR HONOR and with great respect, today's District Hearing is to demonstrate why Chemical Substance Products used to clean and air-freshen the Aircraft Cabin should be non-toxic, chemical-

free, 100% safe, 100% transparent, no secrets, with complete list of ingredients made available, for a safe and healthier air-quality environment for all Inflight Customers and Inflight Crew Members traveling at 30,000 feet.

"YOUR HONOR, with great respect to my Employer, whom I will refer to as my "Superiors" in today's hearing, have always been welcome to my hearings as with great respect this is about situational awareness and communication regarding the Aircraft Cabin Environment to avoid any and all injury/illness with respect to Health, Welfare, Safety and Security, for First Responder Inflight Crew Members, like myself, and our most very valuable and precious Global Air-Traveling Customers.

"With great respect to my "Superiors", we are taught that Safety is Top Priority. Respectfully, I am here today to demonstrate why using Chemical Substance Products in the Aircraft Cabin is unsafe and harmful.

"YOUR HONOR, to be clear and for the record, today's Claim #16-113538, will mark my 20th work injury communicated to the Ohio Industrial Commission, which under oath, I still believe all 20 work injury claims have merit for allowance.

"In summary, on June 29, 2010, almost 9 years ago, I had my 1st hearing. It was my first District Hearing due to work injury from Chemical Substance Products used inside the Aircraft Cabin. Respectfully, I represented myself that day and communicated my illness due to a Chemical Substance aerosol spray air-freshener approved by

my "Superiors" to air-freshen the Aircraft Cabin used by ground personnel, respectfully. Claim was disallowed, however, product was removed.

"YOUR HONOR and with great respect, it is important to note for the record that the year 2014 was the first year all Flight Attendants were required to acknowledge a Hazard Communication Module or not qualified to fly. Respectfully, I believe this was due to the fact that in March of 2014, Flight Attendants were finally given the right to be protected under OSHA, the Occupational Safety and Health Administration. OSHA standards communicate a right to work in a safe and healthy environment.

"Just when I had high hopes and believed the Aircraft Cabin was going to be reviewed for its air quality standards of using Chemical Substance Products in the Flight Attendant's work environment, it was sadly just the opposite. From 2014 to 2016, I had 19 work injuries. 18 were all due to over exposure of the Chemical Substance Products approved by my "Superiors" used inside the Aircraft Cabin.

"And then there was the 1 work injury in 2016 that was a new requirement by my "Superiors". With respect, that work injury was due to a new CPR Validation Testing Performance Expectation: Claim #16-807292, which was Court Reported and forever available for Public Opinion.

"In summary, 5 work injuries in 2014, 10 work injuries in 2015 and 4 work injuries in 2016. All 19 work injuries taking place from 2014 to 2016,

were requested by my "Superiors" Legal Representative to be "heard with", due to the fact that the same body part was injured, even though it was a different injury condition. The 19 work injuries in the course of 2 years were to both my hands and wrists. All claims have been denied and disallowed.

"Respectfully for today, the NOTICE OF HEARING letter for Claim #16-113538, states in part and I quote: "YOU ARE URGED TO BE PRESENT AND TO INTRODUCE ALL TESTIMONY AND EVIDENCE PERTINENT TO YOUR POSITION ON THIS MATTER."

"YOUR HONOR and with great respect, I must introduce to you new evidence pertinent to my position on this matter with my Claim #16-113538 and the use of Chemical Substance Products used in the Aircraft Cabin.

"On February 4, 2019, I respectfully submitted by Priority Mail, my APPELLANT'S BRIEF, including documents, to the SIXTH CIRCUIT COURT OF APPEALS.

"Case Number: 18-4251.

"Case Name: Christina Alessio v. United Airlines, Inc.

"Respectfully, requesting a judicial review of the lower Courts Judgement.

"MAY THE COURT BE PLEASED with answers to 5 questions in the:

"PRO SE APPELLANT'S BRIEF."

And I quote, "Question #1: Did the District Court incorrectly decide the facts?"

"With respect, YES.

"If so, what facts?"

"With respect,

"1. United States Equal Employment Opportunity Commission (EEOC), "Notice of Rights" letter dated April 18, 2017, was not addressed nor answered, as to whether or not the Appellee is in compliant with the statues [*sic* "statutes"]. With respect, the EEOC letter needs to be addressed where the "box is marked" and answered to the fullest extent of the law. Please reference originating Complaint Case Number 5:17-cv-01426, filed July 7, 2017. #5 Exhibit "D", (1 page).

"Question #2: Do you think the District Court applied the wrong law?"

"With respect, YES.

"If so, what law do you want applied?"

"With respect,

"1. Federal Law 49 U.S. Code 5124.

"With respect, this Federal Law forbids the carriage of hazardous materials aboard the aircraft. In specific: poisons. A definition of poison: A harmful substance that can cause harm or injury to people. Respectfully, is Appellee's approval use of "chemical air-fresheners in the Aircraft Cabin" and other chemical substance products not only carried on, but used inside the Aircraft Cabin in compliance with the Rule of Law 49 U.S. Code

5124? Respectfully, where is the transparency with a "Certificate of Compliance"?

"Question #3: Do you believe that there are any other reasons why the District Court's judgement was wrong?

"With respect, YES.

"If so, what are they?

"With respect,

"1. "STRICKEN" evidence demonstrating chemical substance products use in the Aircraft Cabin is harmful and unsafe.

"2. Further evidence was no longer allowed to be submitted to the Federal Court, including 3 Public Court Report Records.

"Question #4: What specific issues/concerns do you wish to raise on appeal?

"With respect,

"1. United States Federal District Court did not address my complaint. Respectfully, my complaint and concern was about Safety and Health. Safety and Health to all Inflight Customers and Inflight Crew Members to avoid any and all illness /injury, as I have personally experienced, due to chemical air-fresheners and other chemical substance products being used inside the Aircraft Cabin.

"2. There were 12 pages redacted from my Freedom of Information Act (FOIA) file at the EEOC, communicating "fearful of public scrutiny" with no confirmation of certification with the statues [*sic* "statutes"]. Please reference originating Case

Number 5:17-cv-01426, Docket "20", filed 9/26/2017. Respectfully, where is the transparency with a "Certificate of Compliance"?

"3. Why are there no indoor Aircraft Cabin air-quality standards, with respect to Inflight Customers and Inflight Crew Members Safety and Health? Please reference originating Case Number 5:17-cv-01426, filed 7/7/2017, #7 Exhibit "F", a letter dated 9/19/2016, from the Occupational Safety and Health Administration (OSHA). Please make reference to the 2nd paragraph, 5th line down, where it states in part: "OSHA does not have a standard that regulates general indoor air quality".

"4. Is there "Congressional Oversight" with the Rule of Law 49 U. S. Code 5124? Respectfully, looking for Congressional Oversight with the Appellee's use of chemical substance products in the Aircraft Cabin. With respect, if there are no Aircraft Cabin air-quality standards are Inflight Customers and Inflight Crew Members being poisoned, by breathing chemical substance air-fresheners and other chemical substance products approved by the Appellee, used inside the Aircraft Cabin? With respect, we are a product of our environment.

"5. Is there a Government "Certificate of Compliance" to all Appellee's chemical substance products used in the Aircraft Cabin? Respectfully, this would be a "Certificate of Compliance" stating all Aircraft Cabin Products are 100% Safe and 100% Transparent, in following with the Rule of Law. Respectfully without compliance, would this be an example of a double standard that Inflight Customers and Inflight Crew Members must

follow the Rule of Law, however, the Appellee may not?

"6. Is the chemical substance product ingredient list readily accessible and available to review for the Public? Respectfully, why are full disclosure of ingredients being withheld, especially in the interest of Public Safety at 30,000 feet?

"Respectfully, Inflight Customers and Inflight Crew Members in the Aircraft Cabin environment have a Civil and Human "Right to Know", a "Need to Know", all chemical substance product ingredients we are breathing provided by the Appellee. Respectfully, this is a matter of Safety and Health with everyone abidding [*sic* "abiding"] by the Rule of Law.

"7. Respectfully, is the Appellee's practice of using "chemical substance products for air freshening" in the Aircraft Cabin an example of a Civil Conspiracy, or an Intentional Tort, against our very own people in our very own Country?

"Respectfully, against the people's Health and Safety, traveling and working in this particular and unique environment? With respect, if so, for what reason? Respectfully if for profit, I believe would be a crime. Respectfully, why is the Appellee subjecting their Inflight Customers and Inflight Crew Members to this toxic chemical substance product environment?

"8. Aircraft Cabins are "smoke-free" and prohibited by Federal Law for our Safety and Health. With respect, the same standard should apply for the Appellee's chemical substance products used

inside the Aircraft Cabin, prohibited by Federal Law, for our Safety and Health.

“With respect, the Aircraft Cabin products should be “chemical-free”. Respectfully, “free of chemical substance products” for Inflight Customers and Inflight Crew Members Health and Safety. With respect if not, would this be another example of a double standard or a different set of rules for the Appellee?

“9. Respectfully, I am not a Lawmaker, Attorney, nor Doctor. Respectfully, I am a Flight Attendant with a duty and obligation to ensure a safe Aircraft Cabin environment. I am also a simple person trying to make a simple living with a moral and ethical responsibility to “See something, Say something”. As a law abiding [*sic* “abiding”] American Citizen, I also truly believe in our United States Constitution, to Protect the People. With respect and in good conscience, I have done my research with the chemical substance products and its relationship to Safety and Health in the Aircraft Cabin. To the best of my ability I believe with dignity, respect, common sense and logic, no chemical use should be allowed in this particular and unique environment for the pure and simple sake of Safety and Health.

“Respectfully, in 2015, I provided an “example” of products safe, transparent with no harmful chemicals or synthetic fragrances. With respect, products made with Mother Earth’s resources. “Chemical-Free”. With respect, my example was not accepted well, by the Appellee. Respectfully, I believe the Appellee’s practice of using chemical substance products in the Aircraft Cabin is unsafe,

a true violation of Civil, Health and Human Rights and purely prohibited by Federal Law 49 U.S. Code 5124. With respect, that is unless there is a different set of Standards, Rules and Laws to follow, for the Appellee.

“With respect, I have reached out on many occasions in Irregular Operation Reports (IOR’s), and have invited the Appellee (respectfully, Corporate and Inflight Management) to please come fly with me. With respect, I must say sadly that in the past 20 years I have been a Flight Attendant, I have not experienced the privilege of having my Inflight Manager or Inflight Supervisor be a part of my working Inflight Crew, fly and evaluate my work environment with me. Respectfully, I do not understand the reasoning for not wanting to fly with me, especially if safety is top priority. With respect, people on the ground are making the choice of chemical substance products, that the people in the air are being forced to breathe inflight, and the people on the ground will not come fly inflight, when invited. With great respect, this does not make sense and is very concerning. Respectfully, how is this fair, right or just?

“10. Respectfully, one might wonder if when reviewing the (NOS), Nature of Suit Categories, would ask if the practice of the Appellee’s use of chemical substance products in the Aircraft Cabin taking place, might also include:

“(895) Freedom of Information Act — Example: Redacted information.

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“(893) Environmental Matters — Example: Violation of Hazardous Material — use of chemical substance products in the Aircraft Cabin.

“(890) Other Statutory Actions: Consumer Protection, Regulatory, Tort, Civil Rights.

“(660) Occupational Safety/Health — Example: No indoor air-quality standards.

“(650) Airplane Regulations — Example: Federal Law 49 U.S. Code 5124.

“(365) Personal Injury, Product Liability, Consumer Protection — Example: Exposure of chemical substance air-fresheners in the Aircraft Cabin-violation of Health and Human Rights, illness/injury.

“(315) Airplane Product Liability — Example: Using chemical substance products for cleaning and air-freshening in the Aircraft Cabin contributing to illness/injury.

“Question #5: What action/outcome do you want the Court of Appeals to take in this case? “With great respect,

“1. Congressional Oversight and Compliance with Federal Law 49 U.S. Code 5124. New legislation, if necessary. With respect, no use of “chemical air-fresheners in the Aircraft Cabin”.

“2. Replace all present Aircraft Cabin chemical substance products with Non-toxic, chemical-free Aircraft Cabin Products. 100% Safe, 100% Transparent with a “Certificate of Compliance” and full access to all product ingredients. Therefore, not only upholding Federal Law but also the United

States Constitution, "Supreme Law of the Land", to Protect the People.

"3. Aircraft Cabins are "smoke-free", therefore, shouldn't Aircraft Cabins be "chemical-free"? Respectfully, would using "chemical air-fresheners" inside the Aircraft Cabin at 30,000 feet, constitute as involuntary "chemical substance abuse"?

"With great respect to the Appellee, I believe using "chemical substance air-fresheners" inside the Aircraft Cabin, a sincere physical assault on our health. Respectfully, I believe this practice is not helping but hurting, our unresolved plan for great "Healthcare" in our great Country.

"4. On February 7, 2019, I will be respectfully attending a District Hearing for my 20th work injury, Claim #16-113538. A total of 19 work injuries occurred within a 2 year period, from 2014 to 2016. And 19 out of the 20 were due to chemical substance products used inside the Aircraft Cabin, approved by the Appellee. The hearing will be Court Reported. And with great respect to the SIXTH CIRCUIT COURT OF APPEALS, my Pro Se Appellant's Brief will be read, for the truth be told.

"5. I believe it is truly right and just for Life, Liberty and the pursuit for Righteousness always and everywhere, especially respectfully, at 30,000 feet, please.

"Respectfully, I certify that a copy of this brief was sent to the opposing counsel via U. — Priority Mail, on the 4th day of February, 2019.

"Sincerely, Christina Alessio."

"Today's District Hearing Claim #16-113538.

"Date of injury [*sic* "Injury"] : November 16, 2016.

"Description of injury [*sic* "Injury"] : Swollen hands, stiffness, and rash after exposure from discontinued product as of October, 2014.

"Chemical Substance #1 — 3 air freshener disks onboard.

"Note: The following were also onboard and present during my four day trip 11/15 to 11/17/2016.

"Chemical Substance #2 — air freshener spray.

"Chemical Substance #3 — sanitizer spray.

"Chemical Substance #4 — triclosan hand soap.

"YOUR HONOR and with great respect,

"I have further government updates supporting and regarding my work injury Claim #16-113538, to Chemical Substance Products used inside the Aircraft Cabin.

"YOUR HONOR, it is very relevant and of great importance to note and demonstrate on the record, the RULE of LAW, FACTS, EVIDENCE and MEDICAL OPINION, honoring all claims "heard with" today's work injury Claim #16-113538, bringing us up to this very date.

"Respectfully, I have provided for you a quick reference, to review during my demonstration. The documents have already been submitted to the Ohio Industrial Commission. What information I will be submitting today, with respect, will be given a copy to you and Ms. Everett.

"I begin with the RULE OF LAW:

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"1. Federal Law 49 U.S. Code 5124 — Forbids hazard materials aboard the Aircraft.

"YOUR HONOR and with great respect, I will continue my demonstration with a combination and short summary of "53" more FACTS, EVIDENCE and MEDICAL OPINIONS, to provide the burden of proof and grant allowance for Claim #16-113538.

"1. June 29, 2010 — Claim #110"—excuse me—"10-824071. This was my 1st work injury/ illness Hearing due to Chemical Substance Products used in the Aircraft Cabin — with no OSHA protection provided for Flight Attendants.

"2. December 13th" — excuse me — "In December 2013 — Irregular Operation Reports (IOR) became a requirement by my "Superiors".

"3. February 15, 2014 — Claim #14-809315. This was my 2nd work injury due to Chemical Substance Products used in the Aircraft Cabin, IOR written.

"4. March 2, 2014 — Claim #14-813103. This was my 3rd work injury due to Chemical Substance Products used in the Aircraft Cabin, IOR written.

"5. March 6, 2014 — Mandatory meeting with my Inflight Manager and Human Resources Manager "Superiors" — excuse me — "Superiors", in addition with respect, an Association of Flight Attendant (AFA) Representative, whereby I was instructed not to remove the Chemical Substance Product #1 — air freshener disk.

"6. March 6" — excuse me —" March 17, 2014 — Claim #14-813107. This was my 4th work injury

due to Chemical Substance Products used in the Aircraft Cabin, IOR written.

"7. March 26, 2014 — OSHA provides protection in the Aircraft Cabin for Flight Attendants.

"8. April 2, 2014 — Letter from OSHA, communicating that my allergic reaction and accommodation request does not fall under the jurisdiction of OSHA. My complaint was closed.

"9. May 23, 2014 — Allergist and Immunologist communicated his expectations for the Ambient Exposure Challenge to my "Superiors" Chemical Substance Products used inside the Aircraft Cabin. The letter states in part and I quote:

"One would expect to see redness, swelling and increased circumference of the joints"

"10. June 11, 2014 — Amended Ambient Exposure Challenge results. The report states in part and I quote:

"The joint circumference had increased (0.25-0.75 mm)"

"11. July 15, 2014 — Rheumatologist's medical opinion. The letter states in part and I quote: "June 11, 2014, Ambient Exposure Challenge that objectively demonstrated joint swelling in MCP and PIP joints of fingers on both hands"

"12. September 10, 2014 — Returned to work from Leave of Absence, approximately six months no pay. My "Superiors" with the Reasonable Accommodation Program denied me the ability to follow Doctors recommendations stating "insufficient

information". Doctors recommendations were to seal the air freshener disk during my flights.

"13. September 10-13, 2014 — Claim #14-871335. This was my 5th work injury due to Chemical Substance Products used in the Aircraft Cabin, IOR written.

"14. September 19, 2014 — Claim #14-853863. This was my 6th work injury due to Chemical Substance Products used in the Aircraft Cabin, IOR written.

"15. October 2, 2014 — Received an email from my Inflight Manager "Superior" communicating the air freshener disks were being removed and replaced. That it would take up to 30 days.

"16. November 5, 2014 — With respect, was given permission in an email to throw away the Chemical Substance Product #1 — air freshener disk in the Aircraft Cabin.

"17. November 24, 2014 — Occupational Medicine Doctor's medical opinion. The letter states in part and I quote:"—

Do you see this document in front of you, Your Honor?

HEARING OFFICER: I do.

MS. ALESSIO: I am going to read it where it is highlighted.

"It is my opinion, with a reasonable degree of medical certainty, that Ms. Alessio suffered a substantial aggravation of her rheumatoid arthritis when exposed to the air freshener discs in the workplace resulting in her not working from March 17, 2014 to

September 10, 2014, and working only intermittently from September 18, 2014 to November 6, 2014 due to presence of the air freshener discs in the workplace.”

MS. EVERETT: I am sorry to interrupt you. But did you give Mr. Heine a different packet than what you just handed me?

MS. ALESSIO: No, ma'am. All of this has already been submitted to the Ohio Industrial Commission in previous documents under Claim # 16-113538.

MS. EVERETT: Okay. But he has colored copies. Where did those come from?

MS. ALESSIO: Like I said, all of this is already submitted to the Industrial Commission.

MS. EVERETT: I know. But where did he get the colored copies from today?

MS. ALESSIO: I am highlighting everybody's, as I did yours.

MS. EVERETT: But I only got this. (Indicating.) And you are talking about the—

MS. ALESSIO: That is because the rest of my documents have been already submitted for you to print and review for yourself.

MS. EVERETT: Okay. Just for the record, you handed him a different set of documents than you handed me. And the set of documents you handed him are highlighted, and that is what you are talking about?

MS. ALESSIO: No. Everything that is highlighted is equal to everyone's paperwork.

In my introduction of my claim right here, I will communicate again, it says, "Respectfully, I have provided for you," meaning the Honor William Heine, District Hearing Officer listening today, "a quick reference," that is his, "to review during my demonstration."

Ms. Everett, that was everything that I have already submitted that you have the ability to print and—

MS. EVERETT: I understand that.

MS. ALESSIO: Okay.

MS. EVERETT: But what I am asking you is, when you just handed Mr. Heine and I documents, you handed me these documents, correct?

MS. ALESSIO: That is what I am submitting today.

MS. EVERETT: Okay. And did you also hand Mr. Heine some additional documents which are the medical records from your other claims?

MS. ALESSIO: Correct.

MS. EVERETT: And you did not submit those to me today, correct?

MS. ALESSIO: That is because they have already been submitted—

MS. EVERETT: I understand. So they—

MS. ALESSIO:—in the claims heard with, number one.

MS. EVERETT: I understand.

MS. ALESSIO: You heard that letter before in that Occupational—

MS. EVERETT: Just answer my question. You handed him some different—

HEARING OFFICER: Well, I think

MS. EVERETT: highlighted documents. I understand they are online.

MS. ALESSIO: Your Honor, this is my opening statement. May I continue?

HEARING OFFICER: All right. Well, she just had a question. And I think that, for the record, just — you submitted me a packet of documents today. It is different than what you submitted Attorney Everett. These documents are also available—

MS. EVERETT: I understand.

HEARING OFFICER:—on all of the other claim files.

MS. EVERETT: Okay. So what was the—

HEARING OFFICER: And they have previously been submitted to Ms. Everett.

MS. EVERETT: So what was the last document? I am sorry.

HEARING OFFICER: The last document is Dr. Kirschman, November 24, 2014.

MS. ALESSIO: You may look at this. I — I have read it before and —

MS. EVERETT: I am just trying to follow along. And I don't have those in paper on the table at the moment. So I will find them.

MS. ALESSIO: I apologize.

HEARING OFFICER: Thank you. You may proceed, Ms. Alessio.

MS. ALESSIO: "18. February 11, 2015 — With respect, put on a Verbal Warning for suggesting an example of a safe, transparent product for the Aircraft Cabin.

"March 31, 2015"—this is #19—"With respect, put on a Written Warning for communicating a Health Hazard Rating Level 2, (moderate), for a product the cleaner was spraying in the Aircraft Cabin."

This was submitted just days ago to the Ohio Industrial Commission. This is the product. You have a picture of it, Your Honor?

HEARING OFFICER: I do. I have a picture of #3.

MS. ALESSIO: And do you see the next page where it says, under the Health Rating, it states #2 — Health #2?

HEARING OFFICER: I do see that, yes.

MS. ALESSIO: Which is moderate. This is the product that they were spraying inside the Aircraft Cabin.

HEARING OFFICER: Which is moderating, you said?

MS. ALESSIO: Correct.

HEARING OFFICER: Moderating?

MS. ALESSIO: My understanding, Your Honor, is that Health Hazard Ratings are from 0 to 5. "0" being harmless and "5" being definitely a safety concern and the most harm.

HEARING OFFICER: Yes.

MS. ALESSIO: This was a Health Hazard Rating Level 2.

"20. June 4, 2015 — Claim #15-829647. This was my 7th work injury due to Chemical Substance Products used in the Aircraft Cabin, IOR written.

"21. June 6, 2015 — Claim #15-828854. This was my 8th work injury due to Chemical Substance Products used in the Aircraft Cabin, IOR written.

"22. July 4, 2015 — Claim #15-833915. This was my 9th work injury due to Chemical Substance Products used in the Aircraft Cabin, IOR written.

"23. July 22, 2015 — I received an email from the Ohio Senator. Respectfully, the email states in part and I quote: "Thank you for getting in touch with my office regarding hazardous materials used in cleaning supplies upon commercial flights. I appreciate your bringing this issue to my attention. I have passed your concerns along to the legislative assistant in my office who monitors transportation and health issues. I will keep your thoughts in mind should this issue come before the Senate."

"24. July 31, 2015 — I received an email from Ohio Congresswoman. Respectfully, the email states in part and I quote:

"Thank you for contacting me to concerning the presence of hazardous materials on airlines." "As your Representative, rest assured, as legislation related to hazardous materials on airlines is considered by Congress I will be sure to keep your thoughts in mind."

The paragraph in the middle of this document that was submitted — as you can see the stamp is here, so it is available for you to have print — for legal counsel to have printed it and be aware of it.

I am — I am hesitant to communicate this middle paragraph. I don't think I have the liberty to in a court reported public setting, because of the second page it states, "This email may contain privileged or confidential information." [*sic* "PRIVILEGED OR CONFIDENTIAL INFORMATION"] And I do not know whether or not this information is allowed to be for the public to read.

"25. September 23, 2015 — A respectful "Request for Assistance" to the Ohio Senator." My request for assistance states, and I quote: "With great respect, I am a Flight Attendant with a United States Commercial Airliner.

"It is in the interest of Health and Safety, Federal Law, the Aircraft Cabin and my personal health experiences in my work environment, that I have [*sic* "that I have" does not appear in original letter] — that have me reaching out to you for insight, clarity and understanding. With the upmost respect to Commercial Airlines, my Employer, the traveling Public and to our Health, I look forward to hearing from you. Sincerely, Tina, 9/23/15."

"26. September 27, 2015 — Claim #15-847920. This was my 10th work injury due to Chemical Substance Products used in the Aircraft Cabin, IOR written.

"27. October 11, 2016 — 2015 — Claim #15-8554 26. This was my 11th work injury due to Chemical Substance Products used in the Aircraft Cabin, IOR written.

“28. October 12, 2015 — Claim #15-850173. This was my 12th work injury due to Chemical Substance Products used in the Aircraft Cabin, IOR written.

“29. November 7, 2015 — Claim #15-855011. This was my 13th work injury due to Chemical Substance Products used in the Aircraft Cabin, IOR written.”

“30. November 27, 2015 — Claim # 15-859117. This was my 14th work injury due to Chemical Substance Products used in the Aircraft Cabin, IOR written.

“31. November 28, 2015 — Claim # 15-863145. This was my 15th work injury due to Chemical Substance Products used in the Aircraft Cabin, IOR written.

“32. December 4, 2015 — With respect, Subpoena issued from Ohio Industrial Commission Hearing Administrator to my “Superiors” for information on the Chemical Substance Products used in the Aircraft Cabin.

“33. December 20, 2015 — Claim # 15-863147. This was my 16th work injury due to Chemical Substance Products used in the Aircraft Cabin, IOR written.

[sic missing “34.”] January 7, 2016 — Response to Subpoena by my “Superiors”. Please reference, Your Honor, Claim #15-855426. Information includes the Material Safety Data Sheets (SDS) to the 4 Chemical Substance Products. Your Honor, a review of the products are also communicated

in the District Hearing Court Report, dated April 20, 2018.

"35. February 7, 2016 — Claim #16-816267. This was my 17th work injury due to Chemical Substance Products used in the Aircraft Cabin, IOR written.

"36. February 10, 2016 — Claim #16-816266. This was my 18th work injury due to Chemical Substances used — Products used in the Aircraft Cabin, IOR written.

"37. February 24, 2016 — This was my 19th work injury due to sprained hands and sprained wrists performing a new CPR Validation Testing Performance Expectation required by my "Superiors". Please reference Claim #16-807292, April 19, 2016. Court Reported, Claim denied.

"38. July 15, 2016 — I returned to work from sprained hands and sprained wrists work injury, February 24, 2016. No pay from date of injury.

"39. Today's hearing — November 16, 2016 — Claim #16-113538. This work injury is my 20th work injury, Your Honor, of medical record due to Chemical Substance Products used in the Aircraft Cabin. IOR written regarding 3 Chemical Substance Product #1, onboard inside the Aircraft Cabin.

"IOR #52191 communication, states in part and I quote:

"Subject: Cabin-Air.

"November 16, 2016.

"Tampa to Newark.

"Flight 1612.

"Respectfully, this product was to have been completely removed October, 2014.

"With respect, over two years ago.

"With respect, this air-freshener is undeniably a health hazard to our environment, for all Co-workers and Customers.

"With great respect, I am reaching out as I have in the past in Irregular Operation Reports but been denied, for Corporate and Inflight Management, to please come fly with me.

"With respect, I am not sure why no one wants to come fly with me in my work environment.

"Respectfully, is there any way the Aircraft Cabin cleaning and air-freshening products can be made transparent (like on the Customers ticket) for an open, honest and direct, better Air-Quality Environment, following our Eco-Skies mission?"

"Company asks:

"Do you have a suggested resolution to the event?"

"With respect, I respond in my IOR, and I quote:

"Transparency to all cleaning and air-freshening products, for healthy air quality for all."

"Company Action Items: "Completed."

"With respect, no email response was provided, from my suggested resolution by my "Superiors".

"40. May 15, 2017 — I wrote an email to one of the Ohio Senator's Assistants, it states in part and I quote: "With great respect, I am following up with

my phone call, with 2 voicemails, on last Monday, May 8, 2017." "With respect, I questioned in my voicemail, if the FBI, Federal Bureau of Investigation, might be a better way, requesting assistance"

"41. May 25, 2017 — I received a letter from the Ohio Senator. Respectfully, the letter states in part and I quote:

"Your concerns were forwarded to the Federal Aviation Administration and the Occupational Safety and Health Administration and both agencies have responded."

"42. June 2, 2016 — The Federal Aviation Administration communication letter regarding hazardous materials aboard aircraft and work injuries due to hazardous materials states in part and I respectfully quote: "Unfortunately, this is not an FAA issue."

"43. September 19, 2016 — The Occupational Safety and Health Administration (OSHA), wrote a letter to the Ohio Senator. Respectfully, OSHA's letter states in part and I quote:

"OSHA does not have a standard that regulates general indoor air quality"

Do you see that?

HEARING OFFICER: I was going to ask you; what date was that letter again?

MS. ALESSIO: September 19, 2016. I provided it in your quick reference. It was submitted to the Ohio Industrial Commission on, I believe, the 5th of February.

I have it punched marked here: February 5th, two days ago. So I have that in your packet, quick reference, September 19th. Do you have it in front of you?

HEARING OFFICER: I am looking for that. I was following you, up until that one.

MS. ALESSIO: That is all right.

HEARING OFFICER: September 19th, you said?

MS. ALESSIO: Yes. It looks like this. (Indicating.) It has Exhibit F, because it was submitted already to the Federal Court.

HEARING OFFICER: Yes.

MS. ALESSIO: Do you have that there?

HEARING OFFICER: I have it now.

MS. ALESSIO: Okay. So I am quoting that highlighted area.

“OSHA does not have a standard that regulates general indoor air quality.”

But on the next page, I would also like to quote in part from this letter, “Ms. Alessio’s Employer, United, remains responsible for providing a safe and healthy working environment for its workers, and the need to take responsible [*sic* “reasonable”] steps to find safer alternative products if necessary.”

Thank you.

HEARING OFFICER: Are you okay?

THE REPORTER: Yes. Thank you.

MS. ALESSIO: It also quotes there in the OSHA letter at the bottom, "OSHA will now consider this matter closed. Thank you for your interest in safety and health."

"44. April 18, 2017 — Equal Employment Opportunity Commission (EEOC), provided me with a "Notice of Rights" letter, stating they could not certify that the Respondent my "Superiors", are in compliant with the statues [*sic* "statutes"]."

And that would be this document here. (Indicating.) Yes, sir. Excellent.

"45. July 7, 2017 — Respectfully, I filed with the Ohio Northern District Federal Court on the bases of requesting my "Superiors" Certificate of Compliance with the Rule of Law. Respectfully, asking if the Chemical Substance Products used for cleaning and air freshening are following Federal Law 49 U.S. Code 5124.

"46. March 1, 2018 A respectful letter, notarized and certified by mail was sent to 5 Leaders in our Country, the United States of America, requesting if my "Superiors" were compliant with the statutes. Respectfully, no response.

"47. August 22, 2018 — A respectful email responding to my "Superiors", requesting to share and give feedback. With respect, I provided a suggestion for our ECO-SKIES Program. Suggestion and feedback states in part and I quote:

"Can we incorporate environmental friendly Chemical-Free Cleaning and Air Freshening Products for the Aircraft Cabin?" And "Respectfully, I believe Chemical Free Products would be

a Healthy and Safe improvement, adding to our Eco-Skies Program.”

“Respectfully, I received an automatic reply, thanking me for taking the time to share feedback.”

That is on the second page. I never received a personal response back from that suggestion for the Eco-Skies Program.

[sic “48.”] “November 5, 2018 — Respectfully, I received a letter from Ohio Congresswoman. The letter states in part and I quote:

I received a reply from the agency in response to my inquiry. I have enclosed the correspondence for your review, and trust it will be self-explanatory.

“49. November 2, 2018 — Respectfully, the letter Ohio Congresswoman forward to me, from OSHA which states in part and I quote: — do you have this document in front of you, Your Honor?

HEARING OFFICER: This —

MS. ALESSIO: Yes. I am reading the highlighted, pink section that was submitted on February 5, 2019, to the Ohio Industrial Commission.

“OSHA’s Hazard Communication Standard (HCS), 29 CFR 1910.1200, includes a provision that allows a manufacturer or importer to indicate on the safety data sheet (SDS) that the specific chemical identity and/or the percentage of composition of a hazardous ingredient is being withheld as a trade secret.”

“50. November 13, 2018 — Respectfully another letter, notarized and certified by mail was sent to 5 Leaders in our Country, the United States of

America, requesting my "Superiors" — if my "Superiors" were compliant with the statutes with a "Certificate of Compliance". Respectfully, no response."

Do you have that document in front of you?

Yes. Those were the honorable leaders of our great Country, and I have not respectfully received a response.

"51. December 18, 2018 — Respectfully, I filed a Notice of Appeal, on the bases that the Federal Court ruled judgement under the Americans with Disabilities Act. With the utmost respect to the Americans with Disabilities Act and the Federal court, the ruling and judgment was addressing my complaint will be wrong law."

The law I was addressed on 49 U.S. Code 5124.

"52. January 18, 2018 [*sic* "2019"] — Respectfully letter was addressed to the Secretary Department of Transportation (DOT) and Administrator for the Transportation Security Administration (TSA)."

Who I am so forever grateful for, especially during these precious, most sensitive times. I honor the TSA at this point in time during our hearing. Thank you, TSA.

The letter to the DOT and the TSA was "requesting permission to submit an Inflight Service Safety Alert dated March 21, 2014, to the Ohio Industrial Commission and the SIXTH CIRCUIT COURT OF APPEALS. Respectfully, I have requested my Inflight Supervisor [*sic* "Supervisor"] "Superior" to please let me know if she receives a response from

the DOT or TSA. With respect, I have not received a response as of today's District Hearing."

This is the letter that I wrote, and both of my Superiors, my Inflight Supervisor and Inflight manager, received a copy of this letter.

And, the communication states that I would like for the Honorable Secretary of the DOT and/or the Administrator to the TSA to contact my Inflight Supervisor, with her number in this letter, to give me the permission to submit this important Safety Alert that was given to all Flight Attendants, but the public has no idea what it is about.

And I believe since they are in the same environment, they have a right to know what this Safety Alert is about. And so because it had a mention that it's not allowed to be communicated to anybody but on a, quote, "Need to know basis," [*sic* "Need to Know"] unquote, that it could be safety — sensitive security information, I needed to get permission.

So this letter, I still haven't received a response from. And I am looking and hoping to hear back from my Inflight Supervisor on that respectfully.

"53" — last but not least — "February 4, 2019 — Respectfully, I priority mailed my Pro Se Appellant's Brief to the SIXTH CIRCUIT COURT OF APPEALS, for review. With respect, based on the statute: 49 — Federal Law 49 U. S. Code 5124.

"YOUR HONOR, to the best of my ability, I have summarized and demonstrated a combination of 53 [*sic* #34 of "53"] supporting FACTS, EVIDENCE

and MEDICAL OPINION, that my Claim #16-113538 should be granted allowance.

"Thank you for allowing me to finish my Opening Statement."

HEARING OFFICER: You're welcome. Are you okay?

MS. ALESSIO: Yes, sir.

HEARING OFFICER: Okay. Are you okay to proceed now, Ms. Alessio?

MS. ALESSIO: I am done with my Opening Statement, Your Honor.

HEARING OFFICER: Thank you. All right. Ms. Everett?

MS. EVERETT: Sure. I have a couple of questions for Ms. Alessio.

HEARING OFFICER: You may proceed.

CROSS-EXAMINATION

BY MS. EVERETT:

Q. Have you been diagnosed with rheumatoid arthritis?

A. Yes, ma'am.

Q. Okay. And when were you diagnosed with rheumatoid arthritis, roughly?

A. February of 2003.

Q. Okay. And you are being treated for rheumatoid arthritis at this time?

A. I am.

Q. Okay. I want to talk about the cleaning products that you raised with regard to November 16, 2016.

And I am just looking at the First Report of Injury that you authored.

You indicate that there were Flight Fresh Deodorant Discs. Was there a Flight Fresh Deodorant Disc on board the aircraft on November 16, 2016, that you were on?

A. Yes, ma'am. There were three.

Q. And did you touch any of them?

A. No, ma'am.

Q. Okay. Your First Report of Injury also lists JetSent [*sic* "JetScent"] — I said that wrong — JetScent Pump Spray. Was there the JetScent Pump Spray on the aircraft when you were working on November 16, 2016?

A. The JetScent Pump Spray was on board in the aircraft cabin during my four-day trip.

Q. Okay. And did you ever spray it?

A. No.

Q. Okay. Did you ever see anyone spray it? The cleaners.

Q. Okay. So did you personally touch this JetScent Pump Spray during that November 16, 2016, series of flights?

A. No.

Q. Okay. How about —

A. They do provide us rubber gloves.

Q. All right.

A. And that would be my protective measure for handling such a product.

Q. Okay. So the third one

HEARING OFFICER: If I may back up? As far as the JetScent Pump Spray, you did not handle?

MS. ALESSIO: I did not ever touch the bottle during that trip. And rubber gloves are provided for us. And if ever I was going to touch the product, rubber gloves would be worn.

HEARING OFFICER: Okay. Thank you.

MS. ALESSIO: Yes, sir.

HEARING OFFICER: And then, basically, the cleaners use that?

MS. ALESSIO: Correct. They come in and they spray the lavatories with that, and then they leave.

HEARING OFFICER: Thank you.

MS. ALESSIO: Yes, sir.

BY MS. EVERETT:

Q. And then the third item on this claim application is Sanitizer Spray?

A. Number 3, Sanitizer Spray.

Q. Okay. All right. And do the cleaners use that?

A. Yes.

Q. Okay. So on these series of flights, on November 16, 2016, did you ever spray the Sanitizer Spray?

A. Never.

Q. Okay. And did you ever touch the Sanitizer Spray?

A. The only time I have actually touched it was when I was written up on a verbal, or — yeah, that was the verbal — no, that was the written warning,

because I was trying to communicate with the cleaner

Q. Okay.

A. — who did not understand English.

Q. Okay.

A. I believe we had a language barrier. That on the back of the label, there was the Health Hazard Rating [*sic* Health Hazard Rating Level “2” label, on the back of the product bottle (“2”= Moderate)], that the product shouldn’t be sprayed in this environment. But she did not understand what I was trying to communicate with her.

So when she put the product down, I picked it up and put it on top of the counter and took a picture. And that is exactly the picture that you have there of that #3 Sanitizer Spray.

Q. But my question —

A. But I never sprayed it.

Q. But my question is: On November 16, 2016, did you spray the #3 Sanitizer Spray?

A. No. I have never sprayed that spray.

Q. Okay. And on that same date, did you touch the Sanitizer Spray?

A. Not on that day.

Q. Okay. And then the next one is the Triclosan, T-r-i-c-l-o-s — is that an “a-n”?

A. (Witness nodding head up and down.)

Q. Okay. That is a funny word. That is why I was spelling it for her.

Now, the Triclosan, is that a spray or —

A. That, Ms. Everett, is in the hand soap.

Q. Okay. So that is the Triclosan Hand Soap? Correct.

Q. And was that on board the aircraft on November 16, 2016?

A. Yes. It was through those — that four-day trip, yes, ma'am.

Q. Okay. And did you touch it?

A. No.

Q. Did you use that soap on your hands?

A. No. I bring my own soap.

Q. Okay. Thank you.

So it is my understanding from your testimony today, and your previous testimony in other claims, that you feel that your condition is caused by breathing in these different fragrances and cleaning products; is that correct?

A. Yes. We are a product of our environment. When you inhale the air, it is entering your system. It is landing on your skin.

Q. So you are not claiming that these items are coming into touch — into contact —

A. Into contact, correct.

Q. — with your hands or your face or anything?

A. Correct. As I was saying before, like the physical assault isn't by someone touching me. It is the product that is in the air that you are inhaling going to — into your system.

Q. Okay.

It goes and it attacks my joints saying, "I want out. I want out." And that is where the inflammation begins. The rash, anytime that would occur, is because it is in the air. It is landing on our skin.

Q. Okay.

A. And —

Q. My other question is, you would agree that the aircraft needs to be cleaned in between the flights, correct?

A. 100 percent.

Q. All right.

A. But with non-toxic, chemical-free products, yes, ma'am.

HEARING OFFICER: If I might interrupt for a second? You said the exposure was by inhaling it?

MS. ALESSIO: Inhaling, which would cause my rheumatoid arthritis to be substantially aggravated.

But as far as the air quality and the products that were sprayed by the —

HEARING OFFICER: Okay. And that landed on your hands?

MS. ALESSIO: Well, it is in the air, yes. Yes.

HEARING OFFICER: I understand. That is what I am trying to clarify.

MS. ALESSIO: Due to the hand soap, you know, you are going in and out of a lavatory. I don't ever really pretty much use the lavatory, unless it is

on a sincere urgent basis during my flights anymore. I try to stay away from this area as much as possible.

But to be quite frank, the product had been removed, as you know. All the — both the — the Triclosan Hand Soap had been removed, the which is the number — Chemical Substance #4.

The number Chemical Substance #1 has been removed. Every now and then, you see the Chemical Substance #2, which is what you have been referring to as the JetScent Pump Spray, or — yes, the JetScent Pump Spray. And I take a bottle of spray of water to just dilute the air, because I don't want to be breathing this.

HEARING OFFICER: Okay.

MS. ALESSIO: The same thing I do with my protective measures, when the #3 Sanitizer Spray, with the Health Hazard Rating Level is used. [*sic* Health Hazard Rating Level "2" label, on the back of the product bottle ("2"= Moderate)] I take my water bottle spray and I spray it in the air to dilute the chemical substance, but we shouldn't have to do this.

We should have 100 percent transparency with the products that they are 100 percent, in fact, safe.

BY MS. EVERETT:

Q. Okay. I just wanted to focus on the items that —

A. Yes, ma'am.

Q. — are listed on the First Report of Injury.

A. Okay.

HEARING OFFICER: So just to clarify, so breathing in and then the — because it is in the air, it comes in contact with your body?

MS. ALESSIO: Correct.

HEARING OFFICER: With your hands and —

MS. ALESSIO: You know, just think about it. Everybody that uses that hand soap, including crew, touch things. And then I have to open and close things that the crew members touch, right?

I mean, you know, if you are touching this table and there is something on it that they cleaned with — you know what I am saying?

HEARING OFFICER: I just needed clarification from you. That is all.

MS. ALESSIO: Yes, sir.

HEARING OFFICER: Thank you. Thank you for that.

MS. EVERETT: Okay. I think that is all the questions that I had for Ms. Alessio.

Just really quickly, there has been some references to a Federal Court case. And you have got some documents. I am not involved in that case. United is a Defendant. I can only see what is on the Court docket. And it would indicate that Ms. Alessio's complaint has been dismissed by the Court.

And I get the feeling — I get the sense that she has filed an appeal. And I don't think anything in that case has any relevance to this case.

It is the Employer's position that there is no medical evidence in support of the claim allowance. In fact, I am not really sure what she is asking for

on this claim application, because the description of the injury is swollen hands, painful; which appears to be a symptom, and then a rash. A rash related to air quality it says.

And there is no medical evidence in this claim file that causally relates a rash, or an aggravation of her rheumatoid arthritis, to airborne exposures to these products.

It is also United's position that the medical causation issue that is raised in this case has already been decided 17 or 18 times by the Industrial Commission.

All of the medical evidence that Ms. Alessio read to you today is from the prior claims. And it was all rejected by a large number of different Industrial Commission Hearing Officers, because it does not state what Ms. Alessio believes that it states. It does not state that airborne exposure to general cleaning products like this cause a rash, or cause an exacerbation of rheumatoid arthritis.

HEARING OFFICER: If I may interrupt you for a second, Ms. Everett. I am sorry to interrupt your statement.

Just so you are aware and all of us are on the same page, Ms. Alessio, you and I, as far as what has been presented, in the packet I received today, there was a medical record from February 5, 2019. Just so you are aware of that.

MS. EVERETT: I am not sure I have seen that. Oh, wait. Here it is.

She has been treated for her rheumatoid arthritis by Dr. Kirschman, by Dr. Hong. You know, there

are other doctors — Dr. Eli Silver did some testing. I think he is an allergist at UH. And you have all those reports in the file.

HEARING OFFICER: Yes. Yes.

MS. EVERETT: And there is nothing new in that record from February of this year. There is no expression of medical causation in this note from — is this the Clinic? Dr. Hong.

There is the expression by Ms. Alessio to her doctors that she thinks this is what is causing the problem, but there is no expression of a medical opinion of causation by the doctors, over now, some five years, Mr. Heine, in any of these claims, that supports her theory of her case.

Ms. Alessio continually describes these cleaning and air freshening products as hazardous. That is her opinion. There is no scientific evidence ever been submitted to the Industrial Commission that these cleaning and air freshening products are hazardous.

You have the MSDS sheets, for what they are worth. But in order to demonstrate that a particular item is hazardous, you would need to have some sort of an opinion from a professional, who has the educational background to say that it is hazardous.

I realize that Ms. Alessio feels and believes that it is hazardous, but her opinion is not a scientific opinion. It is based upon her personal beliefs, as opposed to science.

And at one point, we had submitted some MSDS sheets for regular household products that you

can, you know, buy in the grocery store. And they are no different — like a Glade Air Spray kind of thing. Just the regular kind of things that you would find in your home, or in any residential setting.

And the MSDS sheets, they are available online for any kind of product, if you just Google it. The MSDS sheets for those household products are no different than the MSDS sheets for these four products listed in her FROI.

In fact, the hazard levels are even more benign for these products that are on the aircraft than — I submitted an MSDS sheet for a Glade Air Spray, air freshening thing.

I mean, this has all been, you know, addressed in previous hearings. And there is nothing new about this. There is nothing new about the medical condition she is relaying. There is nothing new about her symptoms. There is nothing new about her theory of her case.

And there is no medical in this case that gives an opinion of medical causation consistent with her theory of her case.

And so the Employer would respectfully request that you deny this claim for lack of medical evidence, and for lack of any objective scientific evidence that these benign cleaning and air freshening products are hazardous. Thank you.

HEARING OFFICER: Thank you. Ms. Alessio?

MS. ALESSIO: Yes, Your Honor. With great respect, if we could please reference, again, November 24th's letter, where the Occupational Medicine — Chief

Occupational Medicine states, "It is my opinion with a reasonable degree of medical certainty, that Ms. Alessio suffered a substantial aggravation of her rheumatoid arthritis when exposed to the air freshener discs in the workplace, resulting in her not working from March 17, 2014 to September 10, 2014, and only working — and working only intermittently from September 18, 2014 to November 6, 2014, due to presence of the air freshener discs in the workplace."

That is, I believe, not a personal opinion, but a medical opinion of substantial aggravation to the Chemical Substance Product used inside the Aircraft Cabin.

I would also like to note with reference to my doctors' appointments that I have given to you today, that I am now seeing only my rheumatologist every six months, because these products have been removed off the aircraft, the most offending.

And with great respect to medicine and our choice in what we decide to take to relieve our pain, I have chosen the one week bursts of Prednisone every six months. It gets me, you know, the comfort that I need. Because I know what I need to do to protect my health from my arthritis being substantially aggravated.

And that would be, I would think, communicating a safety concern with respect to using chemicals inside the Aircraft Cabin. I understand my Employer, you know, doesn't know what I am asking for.

Well, just in this letter alone, time off work for that period of time, I would be grateful for. And in one of my other injuries of spraining my hands and wrists where I was off work six months — or five months, no pay, that time frame. I am not asking for a whole lot. Just — I should have never been injured. And I should have never been off work, no pay.

As far as my diagnosis of rheumatoid arthritis in 2003, I believe this does not qualify me for a preexisting condition, because I was hired in 1998. I was diagnosed in 2003. Therefore, I believe, if I understand it correctly, I am not a preexisting condition person. I developed this over the course of my employment.

And I believe these products contributed substantially to my health, one way or another. But the Occupational Medicine Doctor is stating it as clear as day, in that letter that I just read to you, November 24, 2014.

Also, the Federal case that is at the Sixth Circuit Court of Appeals, it is 100 percent relevant, because it is — I am breathing the same air everybody else on board the Aircraft Cabin is breathing. There is no Certificate of Compliance with the Rule of Law. Respectfully, I even asked for it by my Employer, by Ms. Everett, by even Congress.

No one seems to be able to provide a, quote, "Certificate of Compliance" that, in fact, Your Honor, these products have been reviewed and have a Certificate of Compliance that they are

100 percent safe and 100 percent transparent with the Rule of Law.

I believe that if my Employer, respectfully, my Superiors, would come fly with me, maybe they would understand it better. But I — that way we could talk, but I don't know why they won't come fly with me. I still don't get an answer as to why, but it would be wonderful if they could.

When you look at this other form that I have provided for you, it is an Allergen Information Sheet that my Superiors provide. It says, "Must be boarded on all flights departing, Cleveland." I am not sure why this is obviously 100 percent important. [*sic* I am not sure why (this states specifically Cleveland). This is obviously 100 percent important.] But with great respect, this is because of the air. Allergies are due to air.

In other words, we are a product of our products that we are breathing; whether it is peanuts or whether it is chemical substances. It is inhaling the chemicals, or it is inhaling the peanut dust that you are actually having an allergic reaction to.

Well, if food is, you know, related as being qualified not allowed on board the aircraft, or given accommodation for, why wouldn't the chemicals that are used to clean and air freshen the Aircraft Cabin be reviewed and overseen by those that are large and in charge? Respectfully, I say that to my, quote, "Superiors," unquote.

And the vetting process was communicated in the last public court report's record, where it goes through Engineering Teams, Inflight Safety and

Corporate Safety, but there is no government oversight. It makes no sense to me.

I believe, you know, we need to be in the know of all, you know, things. But I also believe that know how — quote, “know how” is very important to our health. [*sic* I believe we need to be in the know of all things. Quote, “know-how” is very important to our health.] Know what we are breathing in and how it reacts to our bodies. It is all available on the internet for research.

Research Number 1, chemical fragrances and second-hand smoke. Research Number 2, toxic synthetic fragrances. Short-term side effects include allergies, respiratory, headaches, dizziness, nausea. Long-term side effects include cancer, kidney damage, asthma.

This is where we are at 30,000 feet being in an environment that chemical substances have been used. On the ground, you are okay. You can decide to leave this room, if you would like, if we are having a problem of some kind.

But where I work — and I have provided a wonderful picture of aircrafts up in the air for you, to give you a visual that this is where we are. We are not on the ground. We are in the air. And my Superiors, respectfully, just won't come fly with me. Maybe they don't want to know. I don't know. But I say that with great respect. Because I love my Employer with all of my heart, my Superiors with all of my heart. But I love my customers and my crew members with all of my heart.

I work with them and I take care of them. And if I am being injured, I am like the canary in the

mine. I have a duty and obligation to communicate this to the best of my ability, with all due respect. And I thank you, Your Honor.

HEARING OFFICER: Thank you.

Ms. Everett, just to clarify, because I did reference some — a medical record from February 5, 2019, from Dr. Hong, H-o-n-g.

There was also just submitted — or submitted in this packet that I received, perhaps also recently submitted to the claim file, there is a medical record from Dr. Hong dated 8/2/2018, just so you are aware. Just so we are all on the same page.

MS. ALESSIO: Yes, Your Honor. And if you take a look at that, I haven't been to the rheumatologist just but twice in a year. Where I used to see him during that 2014 to 2016 ongoing, along with an occupational medicine doctor and PCP's and allergists and immunologists.

And I am grateful that a couple of the products have been removed. But let's just not go halfway with this. Let's go all the way with this and really give the customers that are inflight and the crew members that are inflight the full dignity and respect that they deserve, that all these products are transparent and safe. That actually the web site of the products listed with their ingredients is posted and placarded right next to the Federal law that is at every single gate, at every single podium before you board an aircraft. [*sic* That a web site is provided to review the choice of chemical substance products used in the Aircraft Cabin with the full list of ingredients made available including the synthetic chemical fragrances,

posted and placarded next to the "Federal Law 49 U.S. Code 5124"] placard, at every single gate/podium before you board an aircraft, for transparency.

It is just my hope and prayer.

HEARING OFFICER: Thank you. Ms. Everett?

MS. EVERETT: I just wanted to address this 11/24/14 report of Dr. Jeff Kirschman —

HEARING OFFICER: Uh-hum.

MS. EVERETT: — that Ms. Alessio has read from. That report was previously rejected by the Industrial Commission in Claim #14-853863, among others, because it is contradictory to other things that Dr. Kirschman has written in this claim.

In fact, he cites his previous report where he says, "There is no substantial aggravation." And then he goes on to try to correct himself. So his report was rejected by the Industrial Commission.

That particular report also predates this date of injury by about two years. And so I fail to see how it is relevant.

In addition, that same report relies upon some testing that was done by Dr. Silver. But if you look at Dr. Silver's June 2nd report, which was in Claim # — I will give you the claim number in a minute. It states—

MS. ALESSIO: This document here. (Indicating.) You have it.

HEARING OFFICER: Okay.

MS. EVERETT: It states, "Overall, I was unable to confirm exacerbation of arthritis with a 100 percent certainty. Moreover, as the science stands today, there is no plausible mechanism to directly link the exposure to fragrance and autoimmunity of rheumatoid disease."

And then he says, "It is possible that it causes her problems." So "possible" is not a medical opinion of reasonable certainty, which is required by the Industrial Commission and in any — any legal case.

We are not here to talk about possibilities. We are here to talk about medical probabilities. And clearly Dr. Silver has expressed his opinion that as the science stands today, there is no plausible mechanism to basically support Ms. Alessio's theory of her case.

And it is really based upon Dr. Silver's reports that, you know, all of these previous claims have been denied. And so I think you have all of that information. I think we have gone over it.

So I just wanted to point out those two things. And let's see. Dr. Silver's report is in Claim #14-813107. But I think that, from what I can see, it has been pulled into your hearing folder in this case, so —

HEARING OFFICER: Thank you.

MS. EVERETT: Uh-hum.

MS. ALESSIO: Your Honor?

HEARING OFFICER: Yes, Ms. Alessio.

MS. ALESSIO: With great respect, to the previous claims that were heard in this letter have been read in the past and denied.

With great respect, due to the fact that this is a new work injury that has never been heard to the District Hearing Officer for support of medical evidence. These claims are all heard with. Therefore, you have the opportunity to actually look at this and re-evaluate substantial aggravation as being the legal term for allowance, with respect to work injury.

Also, the facts are the facts. I believe that the facts overrule opinions, even if they are medical opinions. The facts are the facts.

And if you look at the June 11, 2014's handout that I gave you, it has the chart of when I began my Ambient Exposure Challenge test in the doctor's office room, exposed to the air freshener; that the fact states — remember, the facts are the facts. And the fact states, and I quote, "The joint circumference had increased."

So if you — I don't — I can't sit here and make my hands swell. I can't do that. It takes something to aggravate my hands. And the facts are the facts. And it is written right here.

So I would like for you to review the facts over the opinions, and prevail with facts with your decision-making over opinions, whether they be medical or personal by any of us.

Thank you, Your Honor.

HEARING OFFICER: Thank you.

And just to clarify a little bit, the previous claims that you have filed and have been ruled on, or adjudicated at the Industrial Commission, they are what is called "reference claim files."

So those determinations, you know, all are administratively final. And I will review those claims.

MS. ALESSIO: Because, Your Honor —

HEARING OFFICER: And I have begun — I have been in every one of those claim files to review them. I will review them some more.

Just so you know, it is called a reference claim file. They are not heard with in the sense that — I am only adjudicating today your application that is pending in Claim #16-113538.

MS. ALESSIO: Yes, sir. But —

HEARING OFFICER: I do have, as reference files, those other claims.

MS. ALESSIO: Will you please make it very — you know, a conscientious effort to note that when you are looking at this particular and unique work injury, 16-113538, today —

HEARING OFFICER: Yes.

MS. ALESSIO: — that this Ambient Exposure Challenge Test, and the doctor's note here, also from the Occupational Medicine doctor, that that product that they are talking about, the air freshener disc, is the exact product that is being relayed in this work injury. It is not anything new and different.

It is those products that were used back then, that I was subjected to with all these claims. I haven't

been removed off of a work trip since November 16, 2016.

Since this work injury claim, I have not been removed off of a trip. I have been able to stay at work and make a living. This is important. But please make note that there are still chemical use of substances, you know, by the, you know, respectful Superiors, that are inside the Aircraft Cabin.

And so that is why I go forward at the Sixth Circuit Court of Appeals. But for today's hearing — I have gone to every one of my hearings, because I have to do this. This isn't something that I can just turn my back and walk away from. I can't go find another job. I love what I do for a living.

I want to be able to come to work and not have to worry about my health or anybody else's. Because they are breathing the same air I am breathing. So this is about justice, rightness for everyone involved in this environment.

So I do thank you for your time. And I just wanted to make sure that you knew that my work injury today, and those products that are mentioned on the First Report of Injury, are related to these documents that I have clearly quoted today — in today's hearing.

HEARING OFFICER: I will review all of the claim files and the documents.

And just to clarify, the exposure you are alleging in this claim is November 16, 2016?

MS. ALESSIO: Correct. To the air freshener disc that —

HEARING OFFICER: The four listed on your application? I am sorry to interrupt you.

MS. ALESSIO: No. I am sorry.

HEARING OFFICER: No. You are fine. You had started to reiterate the four exposures. You were saying the disc — the Flight Fresh Deodorant Disc, the JetScent Pump Spray, the cleaning spray, and then the Triclosan Hand Soap?

MS. ALESSIO: That is correct. All four products. The first day was when three of the air freshener discs were on board the aircraft. The rest of the trip, of the four-day trip, yes, the products were all on board the aircraft and used. And not by me.

HEARING OFFICER: Okay. Was that flight 1612 is what you are saying?

MS. ALESSIO: Yes.

HEARING OFFICER: That was the flight 1612?

MS. ALESSIO: Yes. It is written in my Irregular Operations Report, from Tampa to Newark.

HEARING OFFICER: Thank you.

MS. ALESSIO: Thank you.

HEARING OFFICER: Ms. Everett, anything else?

MS. EVERETT: No.

HEARING OFFICER: I am just looking at the court reporter. She is still sitting there typing away.

All right. Unless there are any other comments, the hearing is concluded.

MS. ALESSIO: I would like to do a Closing Statement.

HEARING OFFICER: You may.

MS. ALESSIO: "YOUR HONOR and with great respect, I would like to recite The AMERICAN'S CREED. It is by William Tyler Page and written in 1917, accepted by the United States House of Representatives on April 3, 1918."

I quote, "I believe in the United States of America as a government of the people, by the people, for the people; whose just powers are derived from the consent of the governed, a democracy in a republic, a sovereign Nation of many sovereign States; a perfect union, one and inseparable; established upon those principles of freedom, equality, justice, and humanity for which American patriots sacrificed their lives and fortunes.

"I therefore believe it is my duty to my country to love it, to support its Constitution, to obey its laws, to respect its flag, and to defend it against all enemies."

"WITH GREAT RESPECT, YOUR HONOR,

"MY CLOSING STATEMENT:

"With great respect, I love United Airlines and my Flight Attendant Career.

"With great respect, I love the Global Air Traveling Public, you are so very special to me, you are Family.

"With great respect, I love and believe in the United States of America.

"With great respect, I love, believe and trust in GOD, the Father Almighty, creator of Heaven and Earth.

"With great respect, I believe in Faith, Hope and Love.

"With great respect, I believe in our U.S. Constitution to Protect the People.

"With great respect, I believe with the dignity and respect the Global Air Traveling Public deserves, that pure and simple, safe and transparent, Aircraft Cabin Air Quality products for a more pleasant flying experience across America and around the World, will prevail one day.

"With respect to my Opening Statement and Closing Statement, I will be respectfully submitting them both, and complete, to the Ohio Industrial Commission to provide insight, clarity and understanding for a fair, right and just hearing.

"Sincerely, Tina."

HEARING OFFICER: Thank you. Just to clarify, you said you are going to submit your outline, too?

MS. ALESSIO: I am. I am going to submit my Opening Statement, my Closing Statement and my brief that I have read today.

HEARING OFFICER: Very good. You can do that at the front desk.

MS. ALESSIO: Yes, sir.

HEARING OFFICER: Make sure the claim numbers are on it.

MS. ALESSIO: Yes, sir.

HEARING OFFICER: You probably already have them on there, your name and claim number.

Ms. Everett, anything else?

MS. EVERETT: No.

HEARING OFFICER: All right. Anything else, Ms. Alessio?

MS. ALESSIO: No. Thank you for listening.

HEARING OFFICER: You're welcome.

All right. This hearing is concluded. What I will do is I will review what has been presented and argued today. I will review the reference claim files, as well as this pending claim file. I might take it under advisement.

But, in the meantime, I will get the order out as soon as I can, after I review everything further and consider everything that has been argued. Any questions?

MS. ALESSIO: No.

MS. EVERETT: Nope. Thank you.

HEARING OFFICER: Thank you.

MS. ALESSIO: Thank you.

HEARING OFFICER: All right. The hearing is concluded. Thank you, Court Reporter.

(Thereupon, the hearing was
concluded at 10:51 a. m.)

CHAPTER TWO
STAFF HEARING — COURT REPORT
(MARCH 27, 2019) ¹

Notice of Hearing

Claim heard: 16-113538

Frank J. Lausche/State Office Bldg.
Cleveland Industrial Commission
615 West Superior Avenue
Room 2, Floor 5th
Cleveland, Ohio 44113
3/27/2019 at 9:00am

Issue to be Heard:

1) Injury or Occupational Disease Allowance

¹ Errata in the original transcript have been noted in the body of the text.

BEFORE THE
INDUSTRIAL COMMISSION OF OHIO

CHRISTINA ALESSIO,

Claimant,

v.

UNITED AIRLINES, INC.,

Employer.

Claim No. 16-113538

BE IT REMEMBERED, that upon the hearing of the above-entitled matter, held at the Cleveland Industrial Commission, Frank J. Lausche/State Office Building, 615 West Superior Avenue, 5th Floor, Room 2, Cleveland, Ohio, before the Staff Hearing Officer Oleh Mahlay, Presiding, and commencing on Wednesday, the 27th day of March, 2019, at 9:02 o'clock a.m., at which time the following proceedings were had.

APPEARANCES:

On Behalf of the Claimant:
(Pro Se) Christina Alessio
(redacted per the Claimant's request.)

On Behalf of the Employer:

VORYS, SATER, SEYMOUR AND PEASE, LLP

By: Margaret D. Everett, Attorney at Law
200 Public Square
Suite 1400
Cleveland, Ohio 44114
216/479-6102
Mdeverett@vorys.com

HEARING OFFICER: Okay. Good morning. My name is Mr. Mahlay. I am the Hearing Officer. I will be making the decision on this issue.

We have a court reporter here. So present we have the injured worker, Ms. Alessio. And on behalf of the Employer, we have their counsel, Ms. Everett.

And before we get started, just a couple of preliminary things, just some housekeeping issues. I saw that there was a subpoena request. And that was denied by the Hearing Administrator. So I do not have jurisdiction to re-address that, or address that, so I note — I want to note that.

There was a — I think MSDS sheets that were put in — that is Material Safety Data Sheets — that were put in a few days ago. Ms. Everett, I don't know if you saw that.

That was, I think — Ms. Alessio, you supplied those, correct?

MS. ALESSIO: Yes, sir.

HEARING OFFICER: I don't know if you saw that, Ms. Everett?

MS. EVERETT: I did.

HEARING OFFICER: Okay. And anything else? Anything additional? Any new evidence that you are supplying, Ms. Alessio? Anything else?

MS. ALESSIO: I have a procedural issue I would like to request.

HEARING OFFICER: Okay. We will get to that in a second.

Let me just ask Ms. Everett, do you have anything?

MS. EVERETT: Documents?

HEARING OFFICER: Yes. Any new documents or anything —

MS. EVERETT: Nuh-hum.

HEARING OFFICER: Just so we are on the same page on that.

And before we get started, let's just — since you are going to be testifying, let's just have you be sworn in. And then you can go ahead with your procedural issue.

CHRISTINA ALESSIO of lawful age, the Claimant herein, having been first duly sworn, as hereinafter testified and said as follows:

HEARING OFFICER: Ms. Alessio, why don't you go ahead? You said you have a procedural issue?

MS. ALESSIO: Your Honor, and with great respect, I am respectfully requesting a Motion for Continuance. Here is a copy of my doctor's appointment scheduled April 2, 2019.

This appointment was made as a follow-up with respect to the District Hearing Officer's conclusion of insufficient evidence. The appointment is to provide a health care review from 2014 history-

to-date with my rheumatologist. Substantial circumstances have taken place, of which I would like to demonstrate in my hearing.

May I have your permission to attend my doctor's appointment on April 2nd before the Staff Hearing?

HEARING OFFICER: Well, I saw that. This continuance request was made by the Hearing — to the Hearing Administrator — let me just take a look at this again. I think you made it last week, maybe? Does that sound right? There was a request for a continuance —

MS. ALESSIO: March 14th I believe it was.

HEARING OFFICER: Yes. Sorry. March 14th. And the Hearing Administrator denied it for the same reason. My hands are tied. When the Hearing Administrator decides that I, regrettably, cannot reverse that. So I have to deny that, because the Hearing Administrator has ruled on that based on that specific request, because of that medical appointment that you have next week. So I am going to have to deny that request, ma'am.

MS. ALESSIO: Your Honor, may I have permission to submit today's Staff Hearing transcript within one week due to my work schedule?

HEARING OFFICER: Sure. Yes, that is pursuant to the Commission policy. That is fine. You have seven days, so that is not an issue.

MS. ALESSIO: Okay. I have an Opening Statement.

HEARING OFFICER: Go ahead.

(Thereupon, the following Opening Statement was read by Ms. Alessio as follows:)

MS. ALESSIO: "I would like to begin my Opening Statement by acknowledging the presence of our Great American Flag in our hearing room today, by standing with my right hand over my heart for the love of our Country, and gratefully recite: "The Pledge of Allegiance". Please, feel welcome to join."

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

Thank you, Your Honor.

HEARING OFFICER: Thank you.

MS. ALESSIO: "With respect, I would also like to take this opportunity to thank the Staff Hearing Officer Oleh Mahlay, —"

HEARING OFFICER: Uh-hum.

MS. ALESSIO: " — my Employers Legal Representative, Ms. Margaret Everett, and today's hearing Court Reporter Ms. Jerri Wheat.

"Thank you all for your time today.

"My Closing statement will take less than five minutes. Therefore, my Opening Statement will continue.

"With respect, District Hearing held February 7, 2019, for Claim # 16-113538, has been denied and disallowed, due to lack of sufficient evidence.

"YOUR HONOR and with great respect,

"To the best of my ability, I summarized and demonstrated a combination of 53 [*sic* #34 of "53"]

supporting FACTS, EVIDENCE and MEDICAL OPINION, in my District Hearing held February 7, 2019, in support that my Claim # 16-113538 should be granted allowance.

"With respect, today's Staff Hearing will be to demonstrate to the best of my ability that the use of "Chemical Substance Products" in the Aircraft Cabin should be against the law. Certain chemicals are not safe, unhealthy and can cause harm resulting in injury and/or illness, in this rather unique and particular environment.

"YOUR HONOR

"With great respect to my Employer, whom I will refer to as my "Superiors" in today's hearing, have always been welcome to my hearings as with great respect this is about situational awareness and communication regarding the Aircraft Cabin Environment to avoid any and all injury/illness with respect to Health, Welfare, Safety and Security, for First Responder Inflight Crew Members, like myself, and our most very valuable and precious Global Air-Traveling Customers.

"With respect, my first and foremost work duty and job responsibility description, is Safety. Safety of our Inflight Customers and Inflight Crew Members in the Aircraft Cabin.

"Respectfully, I have followed my "Superiors" Policies and Procedures communicating a Safety concern with Chemical Substance Products used in the Aircraft Cabin.

"With great respect to my "Superiors", Chemical Substance Products have been approved by my "Superiors", for use in the Aircraft Cabin.

"YOUR HONOR and with great respect,

"Federal Law 49 U.S. Code 5124, forbids hazard materials onboard the Aircraft.

"YOUR HONOR and with great respect,

"The NOTICE OF HEARING letter for Claim # 16-113538, states in part and I quote: "YOU ARE URGED TO BE PRESENT AND TO INTRODUCE ALL TESTIMONY AND EVIDENCE PERTINENT TO YOUR POSITION ON THIS MATTER."

"YOUR HONOR and with great respect,

"Therefore, I must introduce to you new evidence pertinent to my position on this matter with respect to Claim # 16-113538 and my "Superiors" approval use of Chemical Substance Products used in the Aircraft Cabin.

"On February 6, 2019, my PRO SE APPELLANT BRIEF was entered at the SIXTH CIRCUIT COURT OF APPEALS.

"Case Number: 18-4251

"Please note: my PRO SE APPELLANT BRIEF was read at the District Hearing for Claim #16-113538, on February 7, 2019, which was Court Reported and available for Public opinion.

"March 11, 2019, Legal Counsel for my "Superiors" entered their APPELLEE BRIEF at the SIXTH CIRCUIT COURT OF APPEALS.

"March 22, 2019, my PRO SE APPELLANT RESPONSE BRIEF was entered at the SIXTH CIRCUIT COURT OF APPEALS.

"And with great respect, it reads,

"Respectfully, requesting a judicial review of the lower Courts Judgement. MAY THE COURT BE PLEASED with the PRO SE APPELLANT'S RESPONSE BRIEF

"YOUR HONOR and with great respect:

"This case is about LIFE, LIBERTY and the pursuit for RIGHTEOUSNESS at 30,000 feet.

"The APPELLANT'S "Notice of Appeal": filed 12/18/2019, at the FEDERAL DISTRICT COURT, respectfully communicates that the wrong law was applied.

"For reasons respectfully written in the APPELLANT'S BRIEF filed February 6, 2019 (Document 8, pages 1-16), APPELLANT is respectfully requesting the ability for all Evidence and Facts be affirmed and reviewed at the SIXTH CIRCUIT COURT OF APPEALS, applying the correct law, for simple Human Rights and valid Civil Rights.

"YOUR HONOR and with great respect: "APPELLANT'S BRIEF, and "Notice of Appeal" correct law is based on a Federal Law.

"A Federal Law which forbids harmful, hazard materials aboard Commercial Aircraft encompassing, for the Safety, Health and Security of the Global Air-Traveling Public. A pure and simple summary, stated with dignity and respect.

"Federal Law 49 U.S. Code 5124, is the correct Rule of Law whereby the APPELLANT is respectfully seeking affirmation from the Court, with a verification of compliance and transparency from the APPELLEE, to avoid any and all illness/injury in this unique and particular environment.

"YOUR HONOR and with great respect: "100% Compliance and 100% Transparency is paramount for the Safety, Health and Security of the Global Air-Traveling Public.

"With respect, APPELLANT'S #1 Work Duty and responsibility is to ensure a Safe environment for the sake of the Air-Traveling Public.

"Respectfully, APPELLANT has provided insight and clarity for this case:

"1. Evidence — Written Medical Documents of Work illness/injury experiences.

"2. Facts — Written Documents, supporting the need for Congressional Oversight with the Federal Rule of Law — 49 United States Code 5124.

"APPELLANT'S BRIEF respectful action/outcome requests for the SIXTH CIRCUIT COURT OF APPEALS was to affirm and review this case, and respond with the following to what the APPELLANT believes to be fair, right and just under and accordance with the Rule of Law:

"1. Congressional Oversight and Compliance with Federal Law 49 U.S. Code 5124. New legislation, if necessary. With respect, no use of "chemical air-fresheners in the Aircraft Cabin".

"2. Aircraft Cabin Products must be made Non-toxic, Chemical-Free, 100% Safe, 100% Transparent with a "Certificate of Compliance" and full access to all product ingredients. Appellant believes sincerely, this is a Civil and Human "Right to Know".

"Therefore, not only upholding the Federal Law, but also the United States Constitution, "Supreme Law of the Land", to Protect the People.

"3. Aircraft Cabins are "Smoke-Free" by Federal Law, shouldn't and wouldn't then Aircraft Cabins be "Chemical-Free" following Federal Law? Appellant believes smoking and chemical air-fresheners to be one in the same and can harm the Air-Traveling Public's Safety, Health and Security.

"Respectfully, would using "Chemical Air-Fresheners" inside the Aircraft Cabin at 30,000 feet, constitute as involuntary "Chemical Substance Abuse"?

"With great respect to the Appellee, I believe using "chemical substance air-fresheners" inside the Aircraft Cabin, a sincere physical assault on our health. Respectfully, I believe this practice is not helping but hurting, our unresolved plan for great "Healthcare" in our great Country.

"YOUR HONOR and with great respect:

"The APPELLEE'S RESPONSE BRIEF "CONCLUSION" filed March 11, 2019, understood at "PRO SE" best, is requesting the Court to dismiss APPELLANT'S case in its entirety.

"Dismiss with prejudice the Appellant's Complaint, Amended Complaint, including "STRICKENED"

information and denied Public Court Report Records, while applying the wrong law respectfully submitted to the Federal District Court.

“Appellee also requesting a Motion to Strike Appellant’s Brief, Appendix, Sealed Appendix, and Addendum, to be heard at the Sixth Circuit Court of Appeals, based on the wrong law.

“To the best of the PRO SE ability, APPELLANT believes this to be true.

“RESPECTFUL ARGUMENT #1

“APPELLEE’S RESPONSE BRIEF: filed on March 11, 2019, is applying the wrong law, respectfully.

“APPELLANT’S originating “Complaint” filed 7/7/2017, Case # 5:17-cv-01426, ends with a “Notice of Appeal” filed 12/18/2018 at the FEDERAL DISTRICT COURT, based on the wrong law applied, respectfully.

“APPELLANT’S BRIEF (Document 8, pages 1-16), filed February 6, 2019, was respectfully submitted for the opportunity for Evidence and Facts be affirmed and reviewed at the SIXTH CIRCUIT COURT OF APPEALS, based on the correct law, Federal Law 49 U.S. Code 5124.

“APPELLEE’S RESPONSE BRIEF (Document 13, pages 1-31), respectfully, states the wrong law up to 26 times.

“APPELLEE’S RESPONSE BRIEF applies the American’s with Disabilities Act (ADA), and can be found on pages:

“Table of Contents (ii), 1, 2, 4, 5, 6, 9, 10, 11, 12, 13, 14, 15, 16.

"APPELLANT is respectfully requesting the Court, where American's with Disabilities Act (ADA) is stated and applied in APPELLEE'S RESPONSE BRIEF, be respectfully dismissed, without prejudice as this is the wrong law applied, with respect to this case.

"RESPECTFUL ARGUMENT #2

"With great respect, point in case from the APPELLEE'S RESPONSE BRIEF is the reference "TABLE OF AUTHORITIES", (Document 13, page 4-5) Table of Contents (page iii), listing up to 28 Reference Cases.

"APPELLANT believes merit is necessary for Reference Cases, with respect to this case.

"Respectfully, in order to have merit with respect to this case, the Reference Case must consist of 2 factors for a true comparison.

"1. FEDERAL LAW:

"Respectfully, Reference Cases must not be Local or State Law, rather Federal Law and relating only to Federal Law 49 U.S. Code 5124, due to the particular and unique environment location.

"2. LOCATION OF ENVIRONMENT:

"Respectfully, Reference Cases of incident, accident and/or illness, injury must have same location environment. Location — Inflight. With respect, this is due to the fact that APPELLANT'S work environment is not on the ground, but in the air. Hence, Federal Law, respectfully.

"Respectfully, APPELLANT requests for any Case Reference in the APPELLEE'S RESPONSE

BRIEF, that does not provide Federal Law 49 U.S. Code 5124 and Location — Inflight Factors mentioned above, may the Court rule the Reference Case be dismissed without prejudice for a fair, true, right and just comparison.

“RESPECTFUL ARGUMENT #3

“With great respect, point in case from the APPELLEE’S RESPONSE BRIEF is the reference, titled:

“DESIGNATION OF RELEVANT DISTRICT COURT DOCUMENTS”, (Document 13, page 31), listing the following:

“Record Entry Number: 1-35.

“Date: 7/7/2017 to 12/18/2018.

“Description: History of Complaint filed 7/7/2017 to Notice of Appeal filed 12/18/2018. Evidence and Facts the APPELLANT respectfully submitted, at the FEDERAL DISTRICT COURT.

“Respectfully, the FEDERAL DISTRICT COURT’S ORDER was based on American’s with Disabilities Act (ADA), which was the wrong law applied with respect to the APPELLANT’S case.

“Therefore, APPELLANT is respectfully requesting Case File #5:17-CV-01426, in its entirety be affirmed as having good cause and valid merit for review at the SIXTH CIRCUIT COURT OF APPEALS, based on the correct law: Federal Law 49 U.S. Code 5124.

“RESPECTFUL ARGUMENT #4

“APPELLEE’S RESPONSE BRIEF (Document 13, page 7, paragraph 2), references, APPELLANT’S

appeal with respect to APPELLEE'S use of "chemical air-fresheners and other chemical products inside the aircraft cabin."

"With respect, the APPELLEE has not clearly and distinctly stated that in fact the Onboard Aircraft Cabin Chemical Substance Products are in compliance with Federal Law 49 U.S. Code 5124.

"With great respect, maybe because APPELLEE might be unaware and/or unable to provide assurance with the Rule of Law?

"RESPECTFUL ARGUMENT #5

"With great respect, point in case, APPELLEE'S RESPONSE BRIEF has written nowhere, that the APPELLEE is in fact, in compliance with Federal Law 49 U.S. Code 5124, using Onboard Chemical Air-Fresheners and other Chemical Substance Products in the Aircraft Cabin for all Inflight Crew Members and Inflight Customers to breathe during the whole flight.

"Respectfully as of today, Onboard Aircraft Cabin Products are not an open — are an open secret, not all visible and insight. With respect, however, some Onboard Aircraft Cabin Product Ingredients are withheld and may have Classified Information. With great respect to the APPELLEE, may the APPELLANT ask why the hidden ingredients, and for the APPELLEE to answer? With respect and in specific, why not be 100% Transparent?

"BUILDING TRUST with the Global Air-Traveling Public is paramount.

"Respectfully, APPELLANT believes full disclosure is necessary, from the APPELLEE to the Global

Air-Traveling Public. With respect, communicating all Onboard Aircraft Cabin Products are in compliance with the Rule of Law, 100% Safe, 100% Transparent, for Inflight Crew Members to Inflight Customers, Safety, Health and Security.

"APPELLANT believes this is a proper and reasonable request for the APPELLEE.

"100% TRANSPARENCY = TRUST.

"Respectfully, APPELLANT'S duty and responsibility is to ensure a Safe Environment.

"100% Transparency, in this particular and unique case for all Air-Travelers, is the answer.

"Respectfully, the "Right to Know" is simply becoming transparent with nothing to hide from the Air-Traveller's perspective, especially when it revolves around Safety, Health and Security of the Aircraft Cabin Air Quality.

"APPELLANT'S hope and prayer is APPELLEE will be forthright wanting to provide a Certificate of Compliance with the Rule of Law to the Onboard Aircraft Cabin Products. Communicating 100% Safe, 100% Transparency, simply because, it is the right thing to do.

"IN CONCLUSION:

"APPELLANT, is respectfully requesting a complete review of all Evidence and Facts respectfully submitted to the Courts, applying the correct law: Federal Law 49 U.S. Code 5124.

"YOUR HONOR and with great respect:

"May the COURT be PLEASED with APPELLANT'S request, that the SIXTH CIRCUIT COURT

OF APPEALS, affirms and reviews all Evidence and Facts in its entirety on the bases that, with respect, the wrong law was applied.

"1. FEDERAL DISTRICT COURT

"Originating Case #5:17-cv-01426

"Filed 7/7/2017

"*Please reference APPELLEE'S RESPONSE BRIEF (Document 13, page 31)

"DESIGNATION OF RELEVANT DISTRICT COURT

DOCUMENTS", which include:

"COMPLAINT

"AMENDED COMPLAINT

"STRICKENED DOCUMENTS

"NOTICE OF APPEAL

"Hereby, allowing all Evidence and Facts applying the correct law: Federal Law 49 U.S. Code 5124, for a fair, right and just order.

"May the COURT be PLEASED with APPELLANT'S request, that the SIXTH CIRCUIT COURT OF APPEALS, affirms and reviews all Evidence and Facts in its entirety with the correct law applied:

"Federal Law 49 U.S. Code 5124.

"2. SIXTH CIRCUIT COURT OF APPEALS

"Case: #18-4251

"Filed: 2/6/2019

"Documents include:

"APPELLANT'S BRIEF

"COMPONENTS OF BRIEF (Appendix, Sealed Appendix and Addendum)

"APPELLANT'S RESPONSE BRIEF

"Hereby, allowing the Evidence and Facts applying the correct law: Federal Law 49 U.S. Code 5124, for 100% Safe, 100% Transparent with Onboard Aircraft Cabin Products, verification and certification of compliance with the Rule of Law, for a fair, right and just order.

"SPECIAL REQUEST

"In the foregoing days, APPELLANT will be respectfully attending a Staff Hearing for a 20th work injury, Claim #16-113538. Respectfully, awaiting the approval of a Subpoena Request for the Material Safety Data Sheets, to any update Onboard Aircraft Cabin Products.

"A total of 19 work injuries occurred within a 2 year period, from 2014 to 2016. And 19 out of the 20 were due to chemical substance products used inside the Aircraft Cabin, approved by the APPELLEE.

"With great respect to the SIXTH CIRCUIT COURT OF APPEALS, the PRO SE APPELLANT'S RESPONSE BRIEF, will be read at the Staff Hearing. The hearing will be Court Reported and available for Public Opinion for the truth be told.

"APPELLANT'S BRIEF RESPONSE CLOSING

"YOUR HONOR and with great respect:

"APPELLANT believes it is truly fair, right and just for LIFE, LIBERTY and the pursuit for RIGHTEOUSNESS always and everywhere, especially respectfully, at 30,000 feet, please.

"Respectfully, I certify that a copy of Appellant's Response Brief was sent to opposing counsel via Priority Mail, on the 21th [*sic* '21st'] day of March, 2019.

"Sincerely, Christina Alessio."

"PLEASE NOTE:

"With respect to Case #18-4251 at the SIXTH CIRCUIT COURT OF APPEALS, a correction for the record: March 11, 2019, electronically entered, I believe was the "APPELLEE BRIEF". The "APPELLEE RESPONSE BRIEF" has not been submitted as of this hearing.

"CLAIM #16-113538

"YOUR HONOR and with great respect, in today's Staff Hearing it is important to note for the record that all 19 previous hand and wrist work injury Claims, were requested by my "Superiors" Legal Representative to be "heard with", due to the fact that the same body part was injured. All 19 claims have been denied and disallowed, as it is my understanding, denied and disallowed due to lack of evidence.

"In summary and with respect, the total of 20 Work Injury Claims have all been provided with Medical Documentation respectfully submitted for insight, clarity and understanding to prove that the use of "Chemical Substance Products" in the Aircraft Cabin should be against the law.

"2010, 1st Work Injury Claim, due to a Chemical Aerosol Air-Freshener Spray, approved by my "Superiors" and used in the Aircraft Cabin. Outcome — product was Removed

"2014, 5 more Work Injury Claims, due to Chemical Air-Freshener Disks, Chemical Air-Freshener Pump Spray, Chemical Sanitizer Spray and a Chemical No Rinse Hand Soap, all approved by my "Superiors" and used in the Aircraft Cabin. Outcome — Chemical Air-Freshener Disk, Discontinued and Removed — in October 2014

"2015, 10 more Work Injury Claims, due to Chemical Air-Freshener Spray, Chemical Sanitizer Spray, Chemical Hand Soap and the reoccurring of the 2014 Discontinued and Removed Chemical Air-Freshener Disk, used in the Aircraft Cabin.

"2016, 1 Work Injury Claim — due to performing CPR at my "Superiors" Training Facility. Sprained both hands and wrists. Claim was disallowed. Legal Representative for my "Superiors" communicated that I came to work injured."

Claim 16-807292, District Hearing April 19, 2016. Please note, on page 44, line 6 through 9, it states from my "Superiors" Legal Representative," It is the "Employer's position that she came to work injured for that testing, and then proceeded to attempt the testing and she was unable to complete it."

The same page 44, line 17 through 19, "So it is the Employer's position that an injury did not take place. That she has this prior problem."

"Respectfully, Rheumatoid Arthritis (RA)" — is my problem and — "is not an injury, but a disease. With respect and for the record, I came to work with RA, and resulted in sprained hands and wrists performing CPR at my "Superiors" Training Facility. Never have I ever sprained my hands or wrists before until that day in training. Claim #16-807292 was Court Reported and of Public Record for your reference," Your Honor.

"2016, 3 more Work Injury Claims (including todays claim) — due to exposure to Chemical Air-Freshener Spray, Chemical Sanitizer Spray, Chemical Hand Soap, and the reoccurring 2014 Discontinued and Removed Chemical Air-Freshener Disk, used in the Aircraft Cabin.

"Respectfully, if only my "Superiors" would choose not to approve "Chemical Substance Products" for use in the Aircraft Cabin. If only that were the case, I believe there would have been zero work injuries in the Aircraft Cabin.

"FACTS, EVIDENCE and MEDICAL OPINION, have all been respectfully submitted and demonstrated to the best of my ability.

"YOUR HONOR, and with great respect,

"To try and further demonstrate the RULE of LAW, with respect to all 19 Work Injury Claims, including todays 20th Work Injury Claim #16-113538, circumstances will be in accordance and with reference to 49 United States Code 5124.

"With great respect and as of this hearing today, I believe there is no Congressional Oversight with Rule of Law 49 U.S. Code 5124. I truly believe there

is no "Certificate of Compliance" with this Rule of Law and my "Superiors" approval use of "Chemical Substance Products" in the Aircraft Cabin.

"The simple reason I believe this to be true, is that I have not been able to receive a response as to whether or not my "Superiors" approval use of "Chemical Substance Products" in the Aircraft Cabin is in fact, 100% in compliance with Rule of Law, 49 U.S. Code 5124.

"Respectfully, no response.

"YOUR HONOR and with great respect, if there is no "Certificate of Compliance", isn't this enough burden of proof?

"With respect, wouldn't the lack of a "Certificate of Compliance" be sufficient evidence?

"In search for the truth and transparency, here are more respectful further facts and evidence for the record, however, facts and evidence requested to only be denied, or no response.

"With respect, pure denial of the facts and evidence, or denied the facts and the evidence due to no response, is sufficient evidence for allowance. May the truth be told.

"I begin with RULE OF LAW:

"1) 49 U.S. Code 5124 — a Federal Law — Forbids hazard materials aboard the Aircraft. "Date of Injury: November 16, 2016 "Description of Injury: Swollen hands, stiffness, and a rash

HEARING OFFICER: For the record, the Injured Worker showed a photograph, that is in the file, showing her hands.

MS. ALESSIO: A picture of my hands at home, in my normal arthritic state. And my picture at work, with substantial aggravation, to my problem.

MS. EVERETT: And what is the date of the photos?

HEARING OFFICER: What are the dates of the photos, ma'am?

MS. ALESSIO: July 4, 2015, and June 8, 2015.

HEARING OFFICER: And just so we know, did you take those pictures, or did somebody else?

MS. ALESSIO: I personally took these pictures at home and at work, with a digital camera on an SD card.

HEARING OFFICER: Okay. Thank you.

MS. ALESSIO: Yes, sir.

HEARING OFFICER: Continue, ma'am.

MS. ALESSIO: "3" Chemical Air-Freshener Disks were onboard November 16, 2016. This "product was discontinued and removed in October 2014

"Note: The following were also onboard and present during my four day trip 11/15 to 11/17/2016.

"Chemical Air-Freshener Spray

"Chemical #3 Sanitizer Spray

"Chemical Triclosan Hand Soap

"YOUR HONOR and with respect, here are further facts and evidence requested, but have been denied or no response.

"2) A request to the Ohio Industrial Commission, letter reads:

"In part and I quote:

"March 14, 2019

"RE: Respectful "Motion for Continuance" providing Doctors Confirmation Appointment

"With respect, I have provided for you a confirmation of my Doctors appointment scheduled on April 2, 2019. This appointment was the earliest I could consult with my Doctor regarding my District Hearing claim being denied and disallowed. Respectfully, my claim was denied and disallowed due to the District Hearing Officers conclusion, having lack of sufficient evidence. With respect, I would like my Doctors most present medical opinion of my work injury, history to date. I believe my Doctors present medical opinion and review, history to date, to be pertinent evidence in support to my work injury claim being allowed and approved.

"RE: Respectful "Subpoena Request" for submission as pertinent evidence and discovery for Staff Hearing.

"Respectfully, I have been unsuccessful with my request to my Employer to introduce and provide evidence and discovery pertinent to my work injury due to chemical overexposure in the Aircraft Cabin.

"With respect, I am providing for you # 1" — the e-mails I actually submitted to the Industrial Commission. That is to be noted. Everything that I am going over right now.

"1. Requested and denied the permission to submit my Employers response which included PDF attachments communicating the Material Safety

Data Sheets (MSDS) information and further Confidential Information.” Why isn’t this available, transparent is concerning. [*sic* “Why isn’t this available and transparent? This is Concerning.”]

“Respectfully requesting the 3 PDF attachments including Confidential Information and MSDS information given to me by my Employer from Irregular Operation Reports (IOR):#95261 and #102354.”

With request to the beginning of this hearing, my subpoena request has been denied. So this information that I am going through right now is not going to be available for myself or for the Hearing Officer to review, or for that matter the Global Air-Traveling Public, as this is a Court Reported Public Record Hearing.

“2. Inflight Service Weekly, Policies and Procedures dated February 20, 2019, requested and denied by my Employer, the permission to submit the instructions and directions given by my Employer to a chemical substance product used in the Aircraft Cabin.”

“I wrote a comment to my “Superiors” regarding the instructions and directions to the new onboard product.” It has been submitted respectfully to the Industrial Commission. And I will read it respectfully.

“With respect, internet communicates chemical fragrance is the next second hand smoke. I believe the Material Safety Data Sheet states the fragrance is a trade secret and withheld. Respectfully, if the citrus fragrance is a chemical fragrance,

would that be appropriate in our unique environment? What about Mother Earth's healthy and transparent fragrances?"

"Respectfully, requesting the Inflight Weekly, Policies and Procedures, dated February 20, 2019, regarding the scented Lavatory Hand Soap." Subpoena request has been denied as of today.

"3. Flight Attendant Staffing and Sick Calls, Monthly Statistics were provided in the past in my Employers Monthly Operational Update (MOU). With respect, I have provided for you a few MOU's from the past where it demonstrates a very high sick call statistic per munt — per month."

This has been submitted to the Industrial Commission respectfully.

"2010, April Inflight Staffing, 9,387. April Sick Calls, 4,371.

"May Inflight Staffing, 9,372. Sick calls, 440 — 4,442.

"June Inflight Staffing, 9,348. June Sick Calls, 5,078.

"2011 MOU states January Inflight Staffing, 9,518. January Sick Calls were 6,256."

I would like to communicate this in specific due to the fact that I believe my Employer's Legal Representative had stated in my previous hearings in the past that were not Court Reported and of Public Record that no one else is having an issue.

The percentage of Sick Calls with respect to the percentage of Inflight Staffing is substantial.

And with respect, when requested in this letter, to continue to quote, "Respectfully, requesting updated Flight Attendant Staffing and Sick Calls, Monthly Statistics for the timeframe period of 2010 to 2019."

This is to get a world of information as to are these products, in fact, hurting, harming while in flight.

HEARING OFFICER: Are you saying all of these — are you alleging that all of these sick calls are due to the chemicals on board?

MS. ALESSIO: I am not. It is a statistic —

HEARING OFFICER: Or you are — so what is the correlation?

MS. ALESSIO: It is a statistic — excuse me. It is a statistic to review for insight that maybe, which I have in one of my other facts of evidence that I am going to communicate, should there be a health survey possibly to kind of know if these products are having an issue? [*sic* "if these products are causing an issue"] That this is, you know, a number high enough that we should look into this?

It would raise a red flag for me if I was responsible for, you know, the care of the Global Air-Traveling Public in this environment, Inflight, exposed to these products. Just a concerning fact to point.

HEARING OFFICER: Okay.

MS. ALESSIO: The letter ends up reading on March 14th, to the Ohio Industrial Commission: "With great respect to my Employer, I believe that the

information requested will provide pertinent evidence and discovery that the Aircraft Cabin Airworthiness Environment really and truly does matter, to avoid any and all work injury — illnesses and work injuries.”

“Respectfully,” as of today, the request for “the Motion for Continuance was denied,” in the letter to the Ohio Industrial Commission.

And with great respect, the subpoena request, as well, has been denied.

“YOUR HONOR and with respect,

“3) [*sic*“4”) Please allow me to read in part, an email I wrote to Corporate Safety in search for answers to concerning questions.

“In part and I quote:

“March 5, 2019

“SUBJECT: Internal Evaluation Assessment

“Thank you for the ability to allow me to communicate and “Safe to Say” a Safety and Health concern, utilizing our Working Together Guidelines: fostering open, honest and direct communication with dignity and respect.

“Respectfully, I hope by providing you with the Safety Data Sheet (SOS), to the Chemical Substance Product used in the Aircraft Cabin lavatories with trade secret ingredients, may be reviewed and reconsidered due to our particular and unique environment.

“With great respect to our Eco-Skies Program, Global Inflight Crews and Inflight Customers Safety and Health, it would be wonderful if there

was New Legislation with a "Certificate of Compliance" from our United States of America, 116th Congress House Committees, showing that all Commercial Aircraft Cabin Products have been reviewed and approved 100% safe and 100% transparent with complete list of ingredients made available by request, including fragrances, for a safer and healthier air-traveling environment.

"Respectfully, because I too, believe Safety is Top Priority."

"Respectfully" — that is unquote. "Respectfully, I have received no further response from Corporate Safety, nor any other department" with respect to this email. Other than the response was at first that he was going on vacation, to who it was addressed to, and that he forwarded it to another department. No one else has communicated back. So he hasn't since he has been back from vacation. I think he was getting back on the 18th of this month, nor has any other department, for the record, respectfully. [*sic* missing "4) of the Record of Facts and Evidence"]

"3) YOUR HONOR and with respect,

"Please allow me to read inpart [*sic* "in part"], an email I wrote to the President of the Association of Flight Attendants, in search for concerning — in search for answers to concerning questions.

"SUBJECT: Update to 2017 email.

“Respectfully, an email was first written on March 11, 2019 and electronically mailed to the AFA President on March 12, 2019.

“March 22, 2019

“SUBJECT: Update to 2017 email follow-up. “This letter comes to you with care, concern and kindness.

“With great respect, I am following up with my email sent to you March 11, 2019.

“In brief, the email was reaching out for updated information regarding the Flight Attendant workplace.

“With great respect and at your earliest convenience, can you please provide a response for insight, clarity and understanding to three questions of interest?

“With respect,

“1. Should there be an updated Hazard Communication Module to new Onboard Aircraft Cabin Products used in our work environment?

“2. Are the new Onboard Aircraft Cabin Products verified in compliance with the Rule of Law 49 U.S. Code 5124?

“3. Is there the ability, the Flight Attendant Association (AFA), can provide a Health Survey for insight, clarity and understanding into our work environment for possible improvements?

“Thank you for your time, interest and support in assuring the very best, for so many thousands of Flight Attendants flying the skies worldwide.

"Sincerely, Tina"

"Respectfully, I have received no response from the President of the Flight Attendants Association (AFA), as of my emails, in March of 2019.

"YOUR HONOR and with respect,

"5) Please allow me to read a letter written from my 2014 Occupational Doctor for the record, dated 11/10/2014, which will be respectfully submitted today."

I think it has already been submitted, but let me know if it hasn't.

HEARING OFFICER: Can you identify that again, just for the record?

MS. ALESSIO: Yes. The Occupational Medicine Doctor letter is dated November 10, 2014.

HEARING OFFICER: Okay.

MS. ALESSIO: And it is "Re: — " I am going to quote — "Allergic Reaction of March 17, 2014 Due to exposure to air freshener aboard United aircraft."

"To All Interested Parties:

"I have reviewed the medical information available from Ms. Alessio in regards to her exposure to the air freshener discs installed in the United aircraft lavatories while performing her usual duties as a flight attendant. The information reviewed includes Ms. Alessio's HealthSpan chart, along with:

"The medical notes and return-to-work statement of Dr. Vieweg on 3/19/2014 recommending avoidance of exposure to offending chemicals.

“Ambient Testing by Dr. Silver done on June 11, 2014 demonstrating swelling of the hand joints as a result of exposure to Flight Fresh Deodorant disks.

“Pictures demonstrating Ms. Alessio’s hand joints swelling following exposure to deoderant disks while working in the united aircraft.

“Given this information, it is my opinion, with a reasonable degree of medical certainty, that Ms. Alessio developed a work-related allergic reaction upon exposure to the air freshener discs. This information is further supported by the evidence that upon re-exposure to the discs when Ms. Alessio returned to work on September 19, 2014, Ms. Alessio had a similar documented allergic reaction, and that by avoiding exposure, Ms. Alessio did not have a similar allergic reaction.”

MS. EVERETT: And who is the doctor? What is the doctor’s name?

MS. ALESSIO: Dr. Kirschman. “Unquote” of his letter.

HEARING OFFICER: And we are just going to take a little break. I see you are stretching.

THE REPORTER: Oh, I am good. Thank you. I just needed a little — I am good. Thank you.

HEARING OFFICER: Okay. Ms. Alessio, go ahead, please.

MS. ALESSIO: “Please note: My Occupational Doctor is no longer available for me to see. And Physicians of Record are the only Doctors who can provide medical opinion from 2014 history to date with regards to my Claims.

"6) Please allow me to read the notes written from my PCP for the record, of which I will be respectfully submitting today, office visit dated March 25, 2019. "

I will give that to you now. I will be submitting this today.

"The Doctors Progress Notes/Advice Only, regarding the rheumatoid arthritis in hands."

And I quote: "Patient has hx seronegative RA involving hands and wrists, followed by Rheumatology Dr. Hong q 6 months approximately. She has been prescribed prednisone for PRN use for hand sx, which she takes rarely. Patient does not wish DMARDs.

"Last IP injections by ortho February 2016.

"Patient notes air freshener disc exposure at her work exacerbated her hand swelling. She notes improvement in her symptoms since the discs are no longer on board her flights as she works shifts as an airline attendant. Patient notes she is able to perform CPR and is not requiring injections and not experiencing her previous level of hand symptoms since she has not been exposed to "Jon-Don Matrix Sanitizer/Cleaner #3 Super Concentrate."

And that is the Doctor's progress notes and advice only.

"Unquote:"

"RECORD OF PROCEEDINGS

"7) Please allow me to communicate the District Hearing Officer's response as to the reasons

App.396a

Claim #16-113538 was denied and disallowed, including a respectful reply:

"1. Claimant alleges that she sustained a compensable diagnosis on 11/16/2016, while working as a Flight Attendant on flight 1612.

"My reply: That is correct. I came to work fit for duty, no aggravation to my hands or wrists until I boarded the Aircraft and there were 3 Chemical Air-Freshener Disks onboard.

"2. She stated on her application and at hearing that she was exposed to chemicals associated with air freshener deodorant discs, jet scent lavatory spray, sanitizer spray, triclosan and hand soap.

"My reply: First Report of Injury (FROI), indicates a total of 4 Chemical Substance Products in the Aircraft Cabin. That is correct. Triclosan is the FDA banned ingredient in the Hand Soap.

"3. Her application states she suffered swollen hands and rash.

"My reply: First Report of Injury (FROI), is where I state swollen hands — painful. Rash present.

"4. She stated at hearing that she was hired in 1998 by the Employer and in 2003 she was diagnosed with rheumatoid arthritis.

"My reply: That is correct. I believe the inhalation of the Chemical Substance Products in the Aircraft Cabin caused substantial inflammation and injury to the arthritis existing in my hands and wrists. No protective measures are provided by the Employer from inhaling Chemical Air-Fresheners inflight.

"5. The Claimant stated at hearing in support of her current application that her contact with the chemicals was due to the presence of these chemicals in the air of the aircraft.

"My reply: My First Report of Injury communicates Air Quality. That is correct. Example: Cigarette, 2nd hand smoke. You don't have to smoke a cigarette yourself to have your clothes and your hair smell like smoke. It's in the air and your clothes, skin and body absorbs what's in the air. You become apart of the "Air" that surrounds you in your environment. Inhalation is the most sensitive entrance into the body, of which Chemical Sprays or Chemical Air-Fresheners, sprayed or emitting in the "Air", can be inhaled causing injury and illness.

"6. She states that she did not handle any of the chemicals directly.

"My reply: That is correct. Rubber gloves are provided for protective measures from handling Chemical hazards. However, there are no protective measures for breathing Chemical Air-Fresheners sprayed or emitting in the Aircraft Cabin for Flight Attendants," as well as the Global Air-Traveling Public.

"7. She stated she breathed the air containing the chemicals and that the chemicals in the air would settle on her.

"My reply: That is correct. You are a product of your environment. You are the product of the products you are breathing. The "Air" around you, surrounds and encompasses you completely. You are apart of the "Air" that surrounds you.

"8. She argued at the hearing that this exposure in November of 2016 caused a compensable medical diagnosis.

"My reply: The inhalation of Chemical Substance Products in the Aircraft Cabin, caused injury of substantial aggravation, inflammation and swelling to my hands and wrists."

Respectfully.

"9. Most recent medical in the claim file from MetroHealth dated 2/5/2018 and 8/2/2018 and record of Employee Medical Facility dated 11/17/2016 fail to provide sufficient proof of a new and acute compensable injury and/or compensable diagnosis due to exposure of chemicals on 11/16/2016.

"My reply: Motion for Continuance to receive more current evidence 2014 history to date, with my Rheumatologist Doctors appointment April 2, 2019, was denied today. How can I provide sufficient evidence if my request to see my Doctor is being denied before the hearing?

"10. Of note, there are up to eighteen references" — excuse me. "Of note, there are up to eighteen reference claim files that reflect applications made due to the Claimant's allegation of chemical exposures while serving as a flight attendant.

"My reply: That is correct. Nineteen is today's hearing due to inhalation of the Chemical Substance Products used in the Aircraft Cabin. The one Work Injury Claim to equal 20 Work Injuries

was hand and wrist sprains performed — performing CPR on a mannikin [*sic* mannequin] at the Employers Training Facility.

“11. The symptoms of swollen hands, rheumatoid arthritis and/or aggravation of same, rashes, pain and/or other physical reactions all have been alleged to have existed and caused by the exposure in every one but one of the reference claim files with pre-injury dates to this claim.

“My reply: To be clear, 19 Work Injuries due to Chemical Substance Products in the Aircraft Cabin. And 1 Work Injury which was not a pre-injury, but rheumatoid arthritis. The injury was both hands and wrists sprained. I did not come to work injured with hand and wrist sprains,” for the record to be clear. “I came to work with arthritis, when I was then physically” at work “injured due to a CPR performance expectation at the Employers Training Facility.

“12. None of these claims have been allowed.

“My reply: That is correct.

“13. Further, the medical reports submitted to the claim file in the year 2014, have been previously considered and rejected by the Industrial Commission as not being persuasive evidence to support a compensable claim. None of these reports address the most recent assertion of exposure on Flight 1216.

“My reply: Respectfully, I have been denied the ability to provide further HealthCare Medical Review, history to date, with my Rheumatologist

Doctor 2014 to date, appointment scheduled April 2, 2019. A Motion for Continuance has been denied.”

I would have loved to have provided his medical opinion, respectfully.

“14. The reference claim files document allegations of chemical exposure for years while serving as a flight attendant.

“My reply: That is correct. Since my hire date of 1998, the Employer has used Chemical Substance Products for the Aircraft Cabin.” And I was diagnosed with rheumatoid arthritis in 2003. In other words, I was hired prior to being diagnosed of RA.

“15. These files support a conclusion that the issue of chemical exposure and a physical compensable diagnosis has not been proven for the dates of exposure alleged in those files and that the current physical complaints are not new.

“My reply: Rule of Law 49 U.S. Code 5124. With respect, I believe chemical exposure in the Aircraft Cabin is against the law.

“YOUR HONOR and with great respect, in addition to the summary of the “53” FACTS, EVIDENCE and MEDICAL OPINIONS, in the District Hearing, may the Staff Hearing Officer,” Your Honor, “be pleased with the sufficient facts and evidence including further medical documentation, with the inability to provide further evidence, demonstrated in today’s Staff Hearing to conclude a new and compensable diagnosis occurred due to chemical exposure on the date of injury, November 16, 2016.

"The Injured Worker respectfully requests the approval allowance for Claim #16-113538.

"To the very best of my ability, I believe the information in my Opening Statement to be accurate and true.

"Thank you for allowing me to finish my Opening Statement."

I have — I believe it is ten after nine — or ten.

HEARING OFFICER: Yes, ma'am.

MS. ALESSIO: Okay. So I still have —

HEARING OFFICER: You will have time.

MS. ALESSIO: — time for a Closing Statement?

HEARING OFFICER: I believe so.

MS. ALESSIO: Thank you.

HEARING OFFICER: It depends on how long Ms. Everett takes, but we will accommodate as much as we can.

MS. ALESSIO: Thank you very much.

HEARING OFFICER: Anything else at this point, Ms. Alessio? Have you presented everything that you wanted?

MS. ALESSIO: Thank you, Your Honor, for your patience, your time, your care, concern and kindness. This means so much to so many.

HEARING OFFICER: Ma'am, I just — there are two more documents you have there.

MS. ALESSIO: Yes, sir.

HEARING OFFICER: Just they are out there. I just wanted to make note of that. What is that for the record, just so we —

MS. ALESSIO: Yes, sir. In addition to my hands at home, and at work, showing the difference of my arthritis and what I believe is injury in the workplace, there is a document that I have placarded here. It states the "Federal Law 49 U.S. Code 5124, "in quotes.

HEARING OFFICER: Can you just read that title at the top there into the record?

MS. ALESSIO: Yes, sir. In quotes, "Federal Law forbids the carriage of hazardous materials aboard aircraft, in your luggage or on your person," unquote.

With great respect to that statement, I think that when ground personnel comes on board the aircraft and sprays these products, that is not following the law, in my opinion. I don't know. There is no Certificate of Compliance with the Rule of Law. That is why I am reaching for answers to concerning questions.

And on your person, you know, you can't use it in the plane. It's — you can't — nobody can polish their nails on an aircraft. So for a chemical air-freshener to be constantly emitting inside the Aircraft Cabin, I just find that to be wrong. And that there are safe, harmless products that could be used inside the Aircraft Cabin that I believe truly would be in accordance with the Rule of Law.

And then this placard is a picture of my work environment. And that is a display of an aircraft

at 30,000 feet where, unfortunately, the first aid procedures that states on the Material Safety Data Sheets are not an option.

HEARING OFFICER: Okay. Thank you, ma'am.

Ms. Everett, the Employer's presentation?

MS. EVERETT: Sure. I am going to summarize some of the testimony that was taken at the DHO, because you have a — you have a transcript.

And beginning at page 49 of the transcript from the DHO hearing, just by way of summary, Ms. Alessio has consistently testified that she was diagnosed with rheumatoid arthritis in 2003.

She has consistently testified at these hearings that she doesn't actually touch these different cleaning products. She doesn't spray the sprays. She doesn't use the hand soaps on her skin. She is not responsible for cleaning the aircraft. The folks on the ground clean the aircraft. And she doesn't touch these discs that are in the lavatories; these air-freshening discs.

And she has also consistently testified that her theory of her case is that her being able to smell the fragrances from these different cleaning and/or air-freshening products is what causes either a rash on her hands, or her hands to swell.

So just to be clear, she has never testified that she actually touches these products with her own bare hands. And the reason that is important is because there has never been any medical evidence that supports that theory of her case.

She has seen Dr. Kirschman. She has seen Dr. Hong. She has seen — she was evaluated in 2014 by an allergist, a Dr. Eli Silver, who was sent these different products, and he did testing that was inconclusive.

In fact, all of these reports and records from these doctors that Ms. Alessio has consulted with have previously been determined insufficient to support a claim. There is nothing new about this claim: It is the same theory of the case; it is the same product she is claiming she was exposed to. It is just a different day that she had — that she claims this reaction.

So the — just, briefly, with regard to her continuance request; you have on file an office note from Dr. Hong. That is H-o-n-g. He is her rheumatologist. She saw him on August 2, 2018, and also on February 5, 2019. And those office notes are in the file. They were in the file for the DHO hearing.

They don't express an opinion of medical causation, Mr. Mahlay. They just recite what the patient tells the doctor. And then he either prescribes some Prednisone, or makes some recommendations to her about her symptoms. He never gives a causal statement of medical causation that supports her theory that airborne exposure to cleaning products causes either an aggravation of preexisting rheumatoid arthritis or a rash on her hands.

The Employer's position is that these products are not hazardous. And the Employer's position is that Ms. Alessio has never submitted appropriate

expert statements that these documents — or, excuse me, that these cleaning products are hazardous.

You have the MSDS sheets. Those were provided in previous claims, as well. Other Hearing Officers have looked at them. The MSDS sheets, without an appropriate scientific analysis, or person who is qualified to express an opinion about what they mean, are not evidence. I mean, a layperson cannot interpret the meaning of data and information on a Material Safety Data Sheet.

Similarly, in one of the previous claims, I got on the internet and just ran some searches for MSDS sheets for household cleaning products, just to look at them. And just to let a Hearing Officer look at what a general household cleaning product would be.

And so I pulled that into the hearing folder today; some of the ones from a different claim about a Plugins Scented Gel Air-Freshener, and some type of a Glade Tough Odor Air Sanitizer.

And, you know, it is the Employer's position that the products that are used on the aircraft are nothing more than household cleaning and air-freshening products. And there has been no demonstration or true evidence that they are any different.

And so the Employer's position is that Ms. Alessio has not sustained her burden that these cleaning products and air-freshening products are hazardous. She keeps saying that they are hazardous, but just saying it doesn't make it so.

I mean, hundreds and thousands of people come on board these aircrafts every day. And there is no evidence submitted on behalf of her case that other people have similar reactions to these products, other than herself. So that is the exposure information.

The medical information, I think we have addressed. This note from Dr. Armao, Joseph Armao, dated March 25, 2019, that she just submitted today, also contains no medical opinion of causation that causally relates airborne exposure to cleaning products as being the result of either a rash or aggravation of her arthritis.

And of course this is from 2019. And we really need to focus on November of 2016. What evidence is there around that time about-that would support a causal link. And there isn't any.

Even the photographs that she has are from 2015, she tells us today, which is the previous year. And, of course, all of this has been submitted in her other claims, as well.

Just — let's see if there is anything else.

This claim has been pending for two and a half years from her date of injury. She withdrew the claim at one point, and then refiled it. She has had ample time to gather her medical evidence, or any evidence that she wanted to submit. She knows how to submit evidence. She has submitted a lot of evidence.

She sees Dr. Hong periodically. She has seen him at least back to 2014, that I am aware of, in her other claims. And he is — that is the person who

she has an appointment with next week. He has never expressed an opinion that supports Ms. Alessio's theory of her case.

And so the Employer requests that you affirm the decision of the District Hearing Officer and deny this claim for lack of evidence that would correlate an occupational injury.

HEARING OFFICER: Thank you. Ms. Alessio, any rebuttal, and then your Closing Statement, as well?

MS. ALESSIO: Yes, sir. The theory of my case, with respect to my Employer's Legal Representative, I will give you an example. If you smell anything, it is entering your body internally. Just like if you were to drink something, it is entering your system. It is going in, because you are inhaling it.

So if it is a fragrance, especially a specific chemical fragrance, it is going to enter your body and do harm if it is not a safe product, unless you wear protective measures.

The example of smelling a fragrance in respect with the air fresheners onboard the aircraft, too much of it in your body, you are going to get dizzy, nausea, vomiting, headaches. These are some of the symptoms that customers even have onboard the aircraft, okay?

If you were to drink too much liquor, your body is not going to like it. You will probably vomit.

Well, if you inhale too many fragrances of a chemical in an enclosed environment, your body is going to react. And my body did. And I am here to prove it and show it to the best of my ability.

When we see something, we are supposed to say something. And it is supposed to just make common logic sense, with dignity and respect, due to the fact that we are in the air and not on the ground.

Ms. Everett communicates household products. You know the difference between household products and the products that we are using — any product, for that matter; the difference is the first aid procedures.

I would like to provide for you the — reference, you know, if you would, the Material Safety Data Sheet. And if you could just look at the product name, that is the #3, what does it state under the “Hazard Identification” on the first page, under “Health”?

What does it say, if you don’t mind me asking for you, sir, to state?

HEARING OFFICER: Well, I don’t — you don’t get to ask the Hearing Officer questions, but you can enter it into the record. You are talking about page 1, Section 3 —

MS. ALESSIO: Yes.

HEARING OFFICER: — Hazard Identification. Go on.

MS. ALESSIO: It states “2,” which is moderate. If you turn the —

HEARING OFFICER: Is it — for the record, this is the HMIS ratings for the Matrix Sanitizer/Cleaner #3. Go ahead.

MS. ALESSIO: That is the spray that they use inside the cabin; an enclosed environment of which we

are not able to — what is under Section 4, the second page, “First aid measures: Inhalation” — what does it state there? “Remove from exposure.” This is why it is a Federal Law.

You cannot, in flight, do such a thing. This is the difference between being on the ground and using these products that — it is not a manufacture crisis on the ground. Anybody can use anything, because your first aid procedures are you remove yourself.

But it is a Federal Law and a manufacture crisis in the air, because chemicals are not permitted inside the Aircraft Cabin at anytime, anyplace, anywhere, from how I understand it, under 49 U.S. Code 5124.

The Rule of Law is to protect the people from harm and injury. And I say that with great love and in my heart.

If you go to page 132 of the MSDS, this was the Hand Soap. Under “Component Information,” the ingredient is Triclosan. That ingredient has been banned from the FDA. There should be none of that.

And with great respect to my Employer, I don’t know why they just didn’t at that time it was, you know, banned from being used, that my Employer just didn’t remove all product immediately and replace it with something.

The first aid procedures under “Inhalation,” it states “Not applicable.” If it has any smell to it, it is in the air. You are inhaling it. So for them to state that there is no — “n/a,” not applicable, it

doesn't make sense for this particular product. Under "Regulatory Information, Workplace Classification," under "OSHA: Not OSHA regulated." Under "Transportation: Not regulated by DOT."

If you go to page 139, the same thing for the — another product that they use. This is just going through the products. The Air-Freshener Disc Material Safety Data Sheet, that is on page 140.

By the way, these products' Material Safety Data Sheets were subpoenaed. And they were allowed. So for the fact that I requested and subpoenaed for the Material Safety Data Sheet to the new product that is inside the Aircraft Cabin, makes you kind of wonder why. What is there to hide?

I don't know why we wouldn't want to be 100 percent in full disclosure here at this hearing, because I am breathing the same air that everybody else is breathing. None of us have the ability to remove ourselves. And that is what makes this such a substantial hearing; with regard to my work injury and seeing something and saying something.

Under the "Flight Fresh Deodorant Disc," it states that it is a freshener and deodorizer. And under "Components," Section 3, under "Substances," it states "Not applicable." We do not have the right to know what we are breathing today, in most cases.

Now, this particular product has been removed. But in this particular work injury heard today, it had been discontinued and removed. But guess

what? There were three onboard my flight 2016, November 16. That is concerning.

First aid measures for the Material Safety Data Sheet for the Flight Fresh Disc, "Seek fresh air."

Your Honor, and with great respect, I don't believe we have the ability to do that onboard the aircraft in flight. And I say that with great respect and love in my heart. We do not have this ability. Hence, the Federal Law. It needs to be abided not just by Customers and Inflight Crew Members, but by Corporate. They need to be following the law, as well. No one is above the law.

And with great respect to my Employer, they have not been able to provide me a Certificate of Compliance; this is concerning. And, hopefully, our 116th Congress Committees — House Committees will look at this and take action with respect to providing all products 100 percent transparent and safe, and respectfully providing a Certificate of Compliance.

In addition to the first aid procedures, it also states in "(Overexposure is most likely to occur dealing with large quantities in an enclosed space with inadequate ventilation.)" This is a perfect description of the aircraft. And this is why I would come to work and my hands would turn to this. (Indicating.) And I would go home and it would return back to this — that. (Indicating.) This is in the aircraft, and that is back at home.

With the JetScent Pump Spray that is still used inside the Aircraft Cabin as an Air-Freshener, I personally believe it is the liquid to the solid of

the Flight Fresh Deodorant Disc that was removed and discontinued.

Under Section 3 "Components, Substances, Not Applicable." A second Chemical Substance Product that we don't have a right to know the full list of ingredients. This is concerning and needs addressed, respectfully.

Section 4, "First aid measures after inhalation: Remove to fresh air." Can't do that.

I say this with great love in my heart, because I don't want, like, for example, this company to think that I am, you know, pointing them out. It is okay on the ground. It is just the most inappropriate place to be using it, specifically in our rare, unique, particular environment. That is all.

We need to be transparent. You can use every single one of these products on the ground and have no problem. Because, number one, you might want to use protective measures. Or, number two, you don't like it, you leave it.

But this is not the case where I work; my environment is unique. And it needs to be treated as such. And I think by just simply following the Federal Law, we would be doing that.

So I am requesting that these products be made transparent and safe with a Certificate of Compliance.

With great respect to my Ambient Exposure Challenge Test held on June 2, 2014, where the amended response by Dr. Silver on June 11, 2014 — so the test is done, as you can see the date, June 2, 2014. This is before I went in. The date

and time are located at 11:35 and 36 a.m. I took a picture of my left hand. I took a picture of my right hand.

They took measurements of my joints before I went in. And during the three hour Ambient Exposure Challenge Test, they took measurements ongoing through that three hour period. At the end of that three hour period — this was during, okay?

You have the left and the right hand during the Ambient Exposure Challenge Test. This is taken at 3:05; the very end of the three hour test. So 3:01 and 3:00, okay? In less than a half an hour, when I leave the room, in less than a half an hour, I am going to show you what happens. A picture of my left, and a picture of my right hand. Time and date, 3:24 and 3:24. I did that one within the one minute circumference time frame.

A substantial difference with respect to during the Ambient Exposure Challenge Test and after.

And of course with great respect, I will be submitting these pictures today, you know, for the hearing. I believe it was already submitted. I don't know if the 2014 injury claims that — I had legal representation at that time, for a period of a number of claims in 2014. I had some representation legally, but they were all denied.

But this is a substantial difference that I know that the public can't see in this Court Reported Record. But maybe at another date and time, they might be able to. Somehow, a possibility there.

My doctor's opinion, when I saw him just recently — I see my rheumatologist every six

months. I didn't know the District Hearing Officer's conclusion when I went to see my doctor. Had I known, of course I would have asked him for an opinion from history to date, but I didn't know he was going to deny it.

It was only until I received the information, and I believe it was online that I knew, and so I called that day. But it wasn't until I got it in the mail that I filed the Motion for the Continuance, so that I could provide this medical documentation. So that is kind of unfair to me, thinking that I am going on an every six month basis, to see my doctor for follow-up; and then I go to my hearing, District Hearing, and it is denied.

So then, of course, I need more evidence. I am going to go back to the doctor I have and say, "Listen, what we are going to need is the 2000 [*sic* 2014] to date. Just a healthcare overview; what is going on before and what is going on now kind of thing." But that has been denied.

So I am not sure I am able to state, even under oath right here, right now, looking at you into your eyes, that I was able to tell the whole truth. And that is not fair to me. It is not fair to those in my work environment who are being subjected to these products as I am. Because we are all breathing the same air. It is just not fair.

So if the Employer's position, I say this respectfully, they believe these products are not hazardous; I can agree with you 100 percent on their position on the ground — on the ground. But in the air, not so much, not so much. You cannot seek

fresh air. You cannot remove yourself from exposure.

And ironically enough, and I say this with great love in my heart and with great respect to my "Superiors," I have begged them to "Please come fly with me." I have begged them. And no one has, from my Supervisor up to the CEO.

And, respectfully, I just met the CEO March 18th, because we are having this yearly event that all Flight Attendants are going to be attending. I had the opportunity to ask him and invite him to "Please come fly with me," and that I had a concern.

And when I mentioned 49 U.S. Code 5124, he directed me to someone else, of whom their name is Nathan. I did not get his last name. He took my Employee number and he said he would get back in touch with me. I have not heard back. That was March 18th that I had the honorable opportunity to meet the CEO and share this loving concern that I have, that I just want transparency; that I just would love to see the Certificate of Compliance; that I would just love to see the list of ingredients.

But they won't come fly with me. They won't provide the Certificate of Compliance, because I don't believe that there is one. And they won't provide the list of ingredients, because the manufacturer states it is not applicable. And they have a disclaimer on the products. So it is not their fault. It goes into the hand of who is allowing these products and approving these products to be

used. Product liability. Call it what you may. I believe that is the case.

Because no one should be using something that you can't have 100 percent verification of what it is, especially in this unique and particular environment. This is a, quote, "Right to know," unquote. A Civil and Human Rights to know. And we are being denied. Not just myself, the whole Global Air-Traveling Public.

Anyone can call and ask what I have called and asked for, and researched. And when they get what I got, I don't know if they are going to like it. I don't know if they are going to be happy with the fact that what they thought and believed — because they don't want [*sic* don't know to know] to know if these products are, in fact, following the Rule of Law.

So when you say that I am saying that it isn't so, I am saying it isn't so because I am showing you by a visual work injury that it is so; that these products are harmful to us; that they should not be used due to their hazardous materials inside the ingredients that are withheld.

And just to bring back some of — another quick note, when I had the dermatologist ask the manufacturer's chief chemist, and this is all in corporate reports in the past that are in the record, and evidence has been submitted respectfully to the Industrial Commission; that she wanted to do a patch test on me just to see what I am allergic to, she wasn't allowed to get the full list of ingredients. It was submitted to me in an email, that the Dermatology Department stated

that it was too unsafe to put in a patch test, the ingredients.

So if it is too harmful to put on our skin, the most toughest part of our body, how is it okay to be inhaling it in an enclosed environment? On the ground, no problemo, easy breezy. But in the air, against the law, in my opinion, and should be full transparency.

HEARING OFFICER: Did you want to get to your Closing Statement, ma'am? You had a Closing Statement?

MS. ALESSIO: I do. And thank you, because I could carry on, and I apologize. But I have a passion and a love in my heart, not just for my personal self, but for my work environment that I love to do for a living.

I don't want to change what I am doing to change this debacle, respectfully. [*sic* "I don't want to change what I am doing for a living, looking for a positive change in this debacle, respectfully"] Everybody else is subjected to this. So I don't want anyone to get sick or ill onboard the Aircraft. And if we are transparent, I think you would see less of that.

"YOUR HONOR, In Conclusion:

"YOUR HONOR, and with great respect, "Thank you for allowing me the opportunity to communicate what I strongly believe to be a Public Safety and Health concern, when using Chemical Substance Products in the Aircraft Cabin for cleaning and air-freshening, including chemical fragrances.

“With respect, I have demonstrated this Safety and Health concern to the best of my ability through my very own true life work injury experiences. With great respect to my “Superiors”, I believe everyone of my work injuries could have been avoid [*sic* “avoided”] and prevented if, First Aid Procedures were available or protective measures were provided in the Aircraft Cabin. Respectfully, if only my “Superiors” desire was to require none the less and use 100% Safe and 100% Transparent, non-toxic, chemical free Aircraft Cabin Products, the environment would be Safer and Healthier for all Air-Travelers, this would mean the whole Global Air-Traveling Public.

“Respectfully, who doesn’t want to be Safer and Healthier?

“Respectfully, I have demonstrated and provided pertinent evidence believing that it was sufficient evidence for allowance, to the best of my ability including the following:

“1. The Rule of Law which forbids hazardous use in the Aircraft Cabin environment.

“2. The Chemical Substance Product Material Safety Data Sheets, which even included the Health Hazard Rating Level written on the Label of the Product used in the Aircraft Cabin.

“3. The First Aid Procedures to the Aircraft Cabin Chemical Substance Products which are not an option inflight. Thereby, the Rule of Law.

“4. Many different Doctor’s Medical written opinions. With each work injury claim, including: Airport Clinic Medical Notes, Emergency Room

Medical Notes, the Occupational Medicine Notes/
Opinion and Specialist Doctors Medical Notes/
Opinions.

"In this Great Country, we are taught to love one another and take care of one another. We are taught to support the United States of America Constitution to "Protect the People", and follow the Rule of Law. We are taught if you "See Something, Say Something".

"With great respect, where is my Government?

"With the upmost respect, letters to many different Government Departments and Agencies, respectfully reaching out for help and for protection regarding Peoples Safety and Health with a "Top Priority" being Air-Worthiness of the Commercial Aircraft Cabin.

"Respectfully, and to this very day there has been no response as to whether or not my "Superiors" are in fact following the Rule of Law, with regards to Chemical Substance Products in the Aircraft Cabin. With respect, Ingredients seem to be a "Top Secret".

"Respectfully, People on the ground are deciding what the People in the air are breathing. With great respect to humanity, what is wrong for being forthright and transparent?

"My continued hope and prayer is that maybe more People will come to know and understand the truth and meaning about "cause and effect", and the traveling word "air-sickness".

"Maybe, with the ability to read Public Court Report Records, People can conclude with their

very own opinion of what they believe to be fair, right and just in this extraordinary, particular and unique environment. And if enough People come to know, become aware, educated and understand, maybe just maybe, more People will decide together the verdict for Public Safety and Health, in the Aircraft Cabin. Maybe, just maybe, when our Public becomes: AMERICA, THE JURY.

"YOUR HONOR and with great respect,

"Just one question to answer for yourself:

"Do you believe products used to clean and air-freshen the Aircraft Cabin should be made transparent, no secrets, with complete list of ingredients made available, for a better air-quality environment?"

I respect no comment.

"In Closing:

"I would like to recite the AMERICAN'S CREED.

"It is by William Tyler Page and written in 1917, accepted by the United States House of Representatives on April 3, 1918. "

And I quote, "I believe in the United States of America as a government of the people, by the people, for the people; whose just powers are derived from the consent of the governed, a democracy in a republic, a sovereign Nation of many sovereign States; a perfect union, one and inseparable; established upon those principles of freedom, equality, justice, and humanity for which American patriots sacrificed their lives and fortunes.

"I therefore believe it is my duty to my country to love it, to support its Constitution, to obey its laws, to respect its flag, and to defend it against all enemies."

"WITH GREAT RESPECT, YOUR HONOR

"I love United Airlines and my Flight Attendant Career.

"With great respect, I love the Global Air Traveling Public, you are so very special to me, you are Family.

"With great respect, I love and believe in the United States of America.

"With great respect, I love, believe and trust in GOD, the Father Almighty, creator of Heaven and Earth.

"With great respect, I believe in Faith, Hope and Love.

"With great respect, I believe in our U.S. Constitution to Protect the People.

"With great respect, I believe with the dignity and respect the Global Air Traveling Public deserves, that pure and simple, safe and transparent, Aircraft Cabin Air Quality products for a more pleasant flying experience across America and around the World, will one day prevail.

"With respect to my Opening and Closing Statements, I will be respectfully submitting my complete written report to the Ohio Industrial Commission to provide insight, clarity and understanding for a fair, right and just hearing.

"Sincerely, Tina."

I thank you, Your Honor.

HEARING OFFICER: Thank you, ma'am. Ms. Everett, anything else you want to add? Any rebuttal or closing?

MS. EVERETT: I just want you to be aware of the fact that Ms. Alessio is still working as a Flight Attendant for United Airlines, notwithstanding all of her concerns expressed here today.

Obviously the aircraft has to be cleaned between each flight for hygienic purposes. And she has never disputed that. But she does continue to work. I don't know what products are used on the aircraft today to clean them and to provide fresh scents, if you will.

But, you know, it is still the Employer's position that Ms. Alessio is not a medical expert. She is not a toxicology expert. She is not an expert on hazardous material, nor is she an expert on Federal Law. And it is the Employer's position that she is entitled to her opinion, but this doesn't make it evidence. And the Industrial Commission needs evidence to allow a claim.

And it is United's position that Ms. Alessio has not sustained her burden of proof to document she has a compensable event with an expert and technical evidence. And we ask that you deny the claim.

HEARING OFFICER: Okay. Thank you. Before I forget, this was submitted. I will put this in the claim file. And then also — and this is the — oh, I don't know about the 30 pages — this is just for the

record — MSDS sheets. I don't know if these are the same ones.

MS. ALESSIO: You may have it. It has been submitted, but you may have it.

HEARING OFFICER: Let me see if these are the same ones.

MS. ALESSIO: They were submitted in a previous claim for reference.

HEARING OFFICER: Yes, they were submitted on March 25th of 2019. So March 25th of 2019 — I think these are the same. Let me — I just want to double-check while everyone is still here.

MS. ALESSIO: Yes, sir.

HEARING OFFICER: Yes, I do have this. I am going to give this back to you.

MS. ALESSIO: This is the original, if you want it?

HEARING OFFICER: It is in the claim file.

MS. ALESSIO: Yes, sir.

HEARING OFFICER: And, also, you will be submitting this, because this is the 3/25/2019 office record of Dr. Armao, A-r-m-a-o. And that you have, that I believe was not in the claim file. You will submit that?

MS. ALESSIO: Yes, sir. And I will be submitting those photographs, as well, today.

HEARING OFFICER: Okay. Thank you very much. I will probably take this matter under advisement. I will get an advisement order first, so I can review all of the evidence. And then probably seven to

App.424a

ten days, you can expect my final order. Thank you.

MS. EVERETT: Okay. Thank you.

MS. ALESSIO: Thank you very much.

HEARING OFFICER: Thank you.

Thereupon, the hearing was
concluded at 10:50 a.m.

CHAPTER THREE

CONCLUSION

IN CONCLUSION:

PREVIOUSLY IN "AMERICA, THE JURY", REFERENCE CLAIM
"HEARD WITH" CLAIM #16-807292 REGARDING AIRCRAFT
CABIN AIR-QUALITY WERE DENIED AND DISALLOWED.

Aircraft Cabin Air-Quality Claims Heard
DENIED AND DISALLOWED (NOT COURT REPORTED)
FROM 2010 TO 2015

2010 — One
2014 — Five
2015 — Seven

PREVIOUSLY IN "AMERICA, THE JURY", — FIRST SEQUEL
REFERENCE CLAIMS "HEARD WITH" REGARDING AIR-CRAFT
CABIN AIR-QUALITY WERE DENIED AND DISALLOWED

1. CLAIM: AIRCRAFT CABIN AIR-QUALITY

With Respect, Record Of Proceedings Mailed
4/6/2019, States Claim Heard At The Staff Level,
Is Denied And Disallowed.

With Respect, On 4/12/2019, I Appealed The Staff
Level Decision, And Respectfully Requested To Be
Heard At The Commission Level.

With Respect, Record Of Proceedings Mailed 4/25/
2019, Communicates 2 Staff Hearing Officers
Reviewed Appeal On Behalf Of The Commission
And Concurred With The Decision Of Appeal Be
Refused.

App.426a

Respectfully Submitted #16-113538



AT HOME



App.427a



AT WORK



App.428a

CHAPTER FOUR

THE QUESTION

WITH GREAT RESPECT, ONE QUESTION:

WITH THE UTMOST RESPECT TO "AIR-TRAVELER'S "HEALTH
AND SAFETY ~

DO YOU BELIEVE PRODUCTS USED TO CLEAN AND AIR-
FRESHEN THE AIRCRAFT CABIN SHOULD BE TRANSPAR-
ENT, NO SECRETS, WITH COMPLETE LIST OF INGREDIENTS
MADE AVAILABLE, FOR A BETTER AIR-QUALITY ENVIRON-
MENT?

App.429a

CHAPTER FIVE
THE VERDICT

AMERICA, THE JURY:

YOUR VERDICT IS IN...

WHEN YOU RESPECTFULLY CONTACT:

UNITED STATES OF AMERICA
AIRLINE INDUSTRY, AND INQUIRE.

WITH GREAT RESPECT, THAT IS IF YOU
BELIEVE YOU HAVE THE RIGHT TO KNOW...



SUPREME COURT
PRESS