

No. _____

20-5043

IN THE

SUPREME COURT OF THE UNITED STATES

Jiping Rizk

(Your Name)

— PETITIONER

vs.

DFAS

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

FILED

JUN 25 2020

OFFICE OF THE CLERK
SUPREME COURT, U.S.

United States Court of Appeals

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Jiping Rizk

(Your Name)

4477 Errington Rd

(Address)

Columbus, OH 43227

(City, State, Zip Code)

614-638-7823

(Phone Number)

QUESTION(S) PRESENTED

In the United State, there are no institution or no law to correct the illegal act by the Security Clearance?

This case is simply only a matter of language problem, either the Supervisor 'English is not good or Plaintiff English is not good. He fired her only did not write down China as foreign country.

The plaintiff was born in China. U.S. law stipulates that if a baby is born in the U.S, who is a U.S. citizen. She borned in China, how can you say that China is foreign country to her?

And she diligently worked for the DFAS more than six years, and she every year got reward and she did not do any mistake take and she has two degrees. and she is a recognized permanent employee. After he fired her than tell her that he do not fire her ask her to quit her job by her self, she did not quit her job, becouse she did not do any thing wrong.

Plaintiff love America and she believes that America will give her the reasonable judgment in her case. God Bless America.

LIST OF PARITIES

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

Petitioner Jiping Rizk

Respondent Defense of Finance and Accounting Service

Rizk V DFAS: No 2:16-cv-01077-ALM-LAJ

U.S District Court for the Southern District of Ohio (Columbus)

Judgment entered November 10, 2016

Rizk V DFAS: No 2:18-cv-00575-ALM-KAJ

U.S District Court for the Southern District of Ohio (Columbus)

Judgment entered June 11, 2018

Rizk V DFAS: No 19-1110

United States Court of Appeals

Judgment entered November 13, 2019

RELATED CASES

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APPENDIX F	Certificate of Supervisor Lisa K. Wingfield
APPENDIX G	Certificate of Supervisor Roberta A. Wetherbee
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APPENDIX I	Certificate of Civilian Performance Rating
APPENDIX J	The copy of the Questionnaire for public trust positions #19

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

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

OPINIONS BELOW

☐ For cases from **federal courts**:

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

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

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

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

☐ For cases from **state courts**:

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

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

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

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

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was Dec. 3, 2019.

☐ No petition for rehearing was timely filed in my case.

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

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

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

☐ For cases from **state courts**:

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

☐ A timely petition for rehearing was thereafter denied on the following date: June 03, 2020, and a copy of the order denying rehearing appears at Appendix B.

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

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

CLAIM VIOLATION OF CIVIL SERVICE REFORM ACT OF 1978

Plaintiff alleges that her employment termination did not follow proper protocol in her termination, nor did it take into account her rights under the DFAS employee placement program.

1. Plaintiff was a federal employee with over five years of full-time employment and was not a probationary employee. As such, she should have only been removed for an advanced showing of cause, not just whether or not she considered China to be a foreign country.
2. There is not one bit of evidence in the appellate record showing that Plaintiff has committed serious job performance issues. In fact, the record shows that Plaintiff was an ideal employee.
3. Plaintiff should not have been let go from her employment for the reasons alleged by Defendant. Even taking the face value of the Defendant's reasons for termination, they were insufficient to terminate Plaintiff. As such, her termination was improper, and in violation of the Civil Service Reform Act of 1978, and the rights under the Due Process Clause of the Fifth Amendment to employment and reputation (Counts III, IV, and V); and the Fifth Amendment right to non-discrimination in employment (Count VI).

STATEMENT OF THE CASE

MOTION TO RECONSIDER DFAS'S SECURITY CLEARANCE IS NOT REASONABLE AND NOT ACCEPTABLY

The DFAS fired Plaintiff reason is only she did not answer the question that China as foreign country.
(in the Questionnaire for Public Trust Positions #19)

FACT

This case is English problem case, either the Supervisor or she do not understand English very well. Please see the question blow.

1. Plaintiff was born in China¹. What different between the two questions

(1) In 7 years which country you visited.

This question includes the country you born and include whole world another country

(2) In 7 years which Foreign country you visited

This question Does Not include the country you born and only include whole world another country and China is not foreign country for Plaintiff. she had not listed her trip to China, since she did not deem China to be a foreign country.

2.. When Plaintiff file up the question Plaintiff was very carefully and Plaintiff did not want to make a Mistake and Plaintiff want to answer the question properly. So for the question Plaintiff went to Church asked Pastor Fr. Joven Malanyaon. Fr. Joven Malanyaon was laughing Plaintiff. Fr. said that you born in China, how China is your foreign country? (Please see Fr. wrote document) and now Plaintiff went to many party and communication place and asked people the same question, they all say that the foreign country is not include the country where you born.

3. In 7 years she back to China only one time and she was in college, just for release, because the English is to hard for her to study. when Plaintiff went to China, she used was America Passport. Every one knows that America passport is open to every one. Special is open to America Government. NO one can hide. She never think hiding any thing to America. She want to open her heart to an America, because she loves America. Why she afraid to tell people and hid it that is her born country?

Plaintiff do not afraid to tell anyone that she visit the country where she born. NO, she do not afraid to tell anyone. When she visit China she always bring many gift for people, to show people that she visited her country and thanks people who helped her. If she visit America, does she afraid to tell people? NO, she do not afraid to tell any one.

4. Plaintiff copied America passport and Chinese passport two times (one page by one page) sent to the DFAS and DFAS' police copied the two passport one page by one page and sent to the DFAS too.

5. In 7 years Plaintiff visited English and France. She wrote down that and she only visited China One time in 2003 when she was in college. She was too tired for study at the college due to her English. She went to China for relax.

6. Plaintiff diligently worked for DFAS more than six years, and she every year got reward
and she did not do any mistake take and she has two degrees. when her security clearance was suddenly an issue.

7. Plaintiff was informed that the primary reason for this was based on her questionnaire/application for security clearance, which she had filled out over five years before.

8. Plaintiff's application asked her to list foreign countries she had visited. Because Plaintiff was from China, upon the advice of multiple advisers, she had not listed her trip to China, since she did not deem China to be a foreign country.

9. Plaintiff had not sought to conceal anything. In fact, she had turned over her American and Chinese passports, which showed all travel over the time period in question.

10. Plaintiff sought the advice of multiple counselors as to whether or not to list China as a foreign country on the questionnaire, including her church leadership. She was continually informed, time and time again, that the government already knew of her connection to China, and that as such China would not be a foreign country as to her. Not a single adviser advised to list China as a foreign country.

11. Plaintiff's trip to China had been taken during the 7 years prior time period, and was shown on her passport. But due to the fact that, to her, China was not a foreign country, Plaintiff did not list her trip to China. Plaintiff sought an accurate disclosure on the questionnaire.
12. There was no intent to defraud the government when Plaintiff filled out her questionnaire for her employment.
13. Even if the trip to China would have been listed, Plaintiff would have initially received her security clearance.
14. Even if the trip to China had been listed, Plaintiff would still have been an excellent employee.
15. Even if the trip to China had been listed, Plaintiff would still have eventually become a non-probationary employee of DFAS.
16. More than six years had gone by between the filling out of the application, and the sudden loss of Plaintiff's security clearance job at DFAS.
17. When DFAS said that her job was being terminated, Plaintiff sought to transfer to another job with the federal government, but was not successful. DFAS did not assist her with any job transfer, despite her non-probationary employee status.
18. Plaintiff sought to explain the questionnaire non-disclosure to DFAS, to no avail.
19. There was no justifiable reason for Plaintiff's security clearance to be withdrawn so far into her employment.
20. There was no justifiable reason for Plaintiff's security clearance to be withdrawn at all. Plaintiff would still have received the security clearance if the trip to China had been listed. If any contact with China would have kept Plaintiff from the job, then she would never have received the job, since Plaintiff was from China and is of Chinese descent.
21. There was no justifiable reason for Plaintiff to not be allowed to transfer to a non-sensitive position with the Department of Defense or a similar department.
22. There was no justifiable reason for Plaintiff to have been refused the opportunity to amend or more adequately explain her questionnaire.

23. Does the title of security clearance has the power to fire anyone with out any reason?
24. Does the title of the security clearance has the power more than the U.S.A president? If the President do a wrong thing people can correct the president. But the Supervisor has the power more than the President, because someone afraid to correct him and the American's law can not control him, he do not care the American law and he can do anything that he want and he can fire any one with out reason.
25. The plaintiff has 24 witness. Please see the evidence.
26. The Senate and congress all know the case and many DFAS Director and supervisors.....ready know about the case and they wrote evidence. Please see the evidence and the Senate sent the case document to DFAS and say that they care about the case.
27. Because the supervisor do not has any reason to fire her so he ask the plaintiff to quit her job. Plaintiff did not quit her job. Because she did not do anything wrong. Please see the document.
28. Pleas see the MSPB document p2 (the document which Plaintiff give to that Court)
- a. Disparate treatment the appellant may establish a prima facie case of prohibited discrimination on the ground of disparate treatment by introducing evidence to show that: 1/. She is a member of a protected group; 2/ She suffered an appeal able adverse employment action; 3/ The unfavorable action gives rise to the inference of discrimination. McDonnell Douglas Corp. v. Green, 411 U.S 792,802 (1973). As to the third element, an employee may rely on any evidence giving rise to an inference that the unfavorable treatment at issue was due to illegal discrimination.....(Please see the document which give to that court)

CONCLUSION

Plaintiff fills up the form on 2007 and after more than six years he said that you did not pass the security clearance. Why she did not pass the security clearance? Which law does she did not followed? Does the security clearance title have a power to fire anyone without reason?

Plaintiff is Permanent employee. Government guaranteed that. Plaintiff has NO crime and she did not do any thing wrong. The person who uses the security clearance title to fire her without any reason because she came from China. This is Discrimination. She never hurt him. Does he want his family or mother, father, wife, sister, brother and children have the some thing happen to them? does he want them suffering? And struggling? Plaintiff is suffering and struggling. She will write a book, let people know what happened to her.

He wrote that he do not fire Plaintiff and ask her to quit her job. She did not do any thing
wrong. Why she quit her job? Plaintiff did not quit her job. There are 24 witnesses document to prove that they care the case and she is hard work and she did not do any thing wrong and she loves America. God watch us. Plaintiff did not do any thing wrong, she love America very much and the whole world knows that America has equal opportunity and freedom is that true?

PRAYER FOR RELIEF

Plaintiff prays for judgment against Defendant for the value of lost employment, and a return to employment, This is discrimination, she is fuffering and struggling.

The plaintiff love America and she believe that the United States is an equal and free country, and everything is followed the law. Plaintiff believed that the United States would will give a reasonable judgment on her case.

Respectfully Submitted,

Jiping Rizk
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419-913-0615

REASONS FOR GRANTING THE PETITIONER
THAT COURT DID NOT FOLLOWING THE AMERICA LAW

The court has the power to judge the Security Clearance cases, please check from the internet. If the United States District Court can not decisions concerning security clearances are generally beyond judicial scrutiny why the court held the case for 3 years? According to the law, the deadlines to take action. Typically, we have twenty calendar days from when you received the summons and complaint. But the court gave the defendant 2 months and the Supervisor passed the two months dead line. The court said that Defendant did passed deadline that was the plaintiff wrong, because the plaintiff only filled out a form sheet of Marshals Service to DFAS and she did not fill out to an others. In fact the plaintiff was very clear remember that the officers lady gave her 3 form and ask her to fill up and the lady bring the 3 form out of her office and gave to the plaintiff, ask her to sign the signature. Please see the Civil Docket For Case, on the date 06/11/18 shows that Plaintiff filled 3 Marshals Forms. If the plaintiff only filled out a form to DFAS, DFAS was ready has the form and Defendant ready passed deadline! The court give the defendant another two months again. defendant passed the second deadline again. And the Court give the defendant the three times two months again. And defendant passed the three times deadline again. The Court total give the defendant more than 6 month. Please see the Court A GUIDE FOR Pro SE CIVIL LITIGANTS, p 12 the # 3. that Defendant Files Nothing : If the defendant does not file anything within the deadline for filing a response he or she is in "default" you may request the Clerk to enter a default into the Court record, After a default is entered by the Clerk, you may file a motion for default judgment. Default judgment is a judgment awarding the Plaintiff the relief sought in the complaint because the Defendant failed to respond to the complaint

complaint because the Defendant failed to respond to the complaint or otherwise make an appearance in Court. The defendant gave no reason, and the court not only failed to act in accordance with the law but also rejected the plaintiff with out any reason.

At the United States Court Of Appeals, Plaintiff do not has nay income, the court ask her to file up the Affidavit or declaration in support of motion for leave to proceed in forma pauperis, but the court still ask her to pay the fees. And the court do not have any reason to denied the case.

The U.S president and The Senate and congress and many DFAS Directors and supervisors co-workers and Churches and the telvition of NBC and CBS they are know this case.

If your family has the same thing happening as the plaintiff, how your feeling. Plaintiff is struggling and suffering.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Jiping Rizk

Date: June 24 2020