

810

No. 20-5234

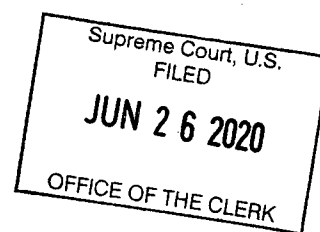
IN THE
SUPREME COURT OF THE UNITED STATES

ORIGINAL

Jeremiah Bryant — PETITIONER
(Your Name)

vs.

Borger Management et al — RESPONDENT(S)



ON PETITION FOR A WRIT OF CERTIORARI TO

D.C. Court of Appeals

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

PETITION FOR WRIT OF CERTIORARI

Jeremiah Bryant
(Your Name)

301 G Street, S.W. #516
(Address)

Washington, DC 20024
(City, State, Zip Code)

202-705-4121
(Phone Number)

QUESTION(S) PRESENTED

Whether the D.C. Court of Appeals erred in affirming the underlying decision of the D.C. Superior Court based on the Office of Human Rights.

The Court found no probable cause in discrimination or retaliation.

At the very least, there should have been a split decision based on the guidelines of the Office of Human Rights rules.

LIST OF PARTIES

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

Borger Management
D.C. Office of Human Rights

RELATED CASES

1. O.H.R. - filed on 11/4/2015 - D.C. 16-189-P(CN) Age, Employment Discrimination
2. O.H.R. - filed on 11/5/2015 - D.C. 16-360-P(CN) Suspension, Retaliation
3. O.H.R. - filed on 6/27/2016 - D.C. 16-529-P(CN) Discharge, Termination

11.04c

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):



FEPA



EEOC

16-189-PCN 152
100-2016-00206**D.C. Office Of Human Rights**

and EEOC

Name (indicate Mr., Ms., Mrs.)

E-Mail Address

Home Phone

Date of Birth

Jeremiah Bryant**N/A****202-439-0258**

Street Address

City, State and ZIP Code

15 Riggs Rd NE**Washington, DC 20011**

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others.

Name

No. Employees, Members

Phone No.

Borger Management**20+****202-898-1880**

Street Address

City, State and ZIP Code

1111 14th Street NW**Washington, DC suite 200**

DISCRIMINATION BASED ON (Check appropriate box(es).)



RACE



COLOR



SEX



RELIGION



NATIONAL ORIGIN



RETALIATION



AGE



DISABILITY



OTHER (Specify below.

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

11/5/15

CONTINUING ACTION

THE PARTICULARS ARE:

I believe that I have been discriminated against in the terms, conditions, and privileges of employment due to retaliation for the following reasons:

work as a maintenance man for at a property managed by my employer.

On November 4, 2015, after a meeting with several employees and the property manager, I expressed my intention to file a charge of discrimination against my employer to a coworker who was present at the meeting. I filed an inquiry with the Office of Human Rights later that day. The next day, I was called into the office for a meeting with management for the company. They informed me I was being suspended with pay allegedly due to a light being left on and a door remaining locked. The suspension lasted three days and I returned to work.

Therefore, I charge Respondent with unlawful discriminatory acts in violation of the D.C. Human Rights Act of 1977, as amend, and Title VII of the Civil Rights Act of 1964, as amended. I have not commenced any other civil, criminal, or administrative action based on the above allegations other than the instant charge.

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.

NOTARY - When necessary for State and Local Agency Requirements

12-18-15

Date

Jeremiah Bryant

Charging Party Signature

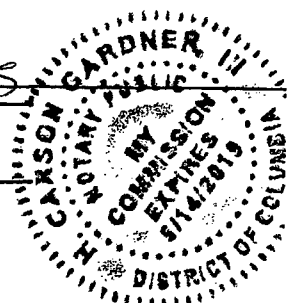
SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

District of Columbia, SS.

Subscribed and Sworn to before me

this 18 day of December, 2015

H. Carson Gardner, III
Notary Public, District of Columbia
My commission expires May 14, 2019



CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):



FEPA



EEOC

16-360-PCN 151
10C-2016-00337

D.C. Office of Human Rights

and EEOC

Name (indicate Mr., Ms., Mrs.)

Jeremiah Bryant

Home Phone (Incl. Area Code)

202-439-0258

Date of Birth

04-22-1956

Street Address

15 Riggs Road, Apt 136, NE

City, State and ZIP Code

Washington, DC 20011

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 one, list under PARTICULARS below.)

Name

Borger Management

No. Employees, Members

20+

Phone No.

202-898-1880

Street Address

21 Riggs Road, NE

City, State and ZIP Code

Washington, DC 20011

DISCRIMINATION BASED ON (Check appropriate box(es).)

DATE(S) DISCRIMINATION TOOK PLACE
Earliest Latest

11-4-2015

11-5-2015



CONTINUING ACTION

☐ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN
☐ RETALIATION ☒ AGE ☐ DISABILITY ☐ OTHER (specified below)

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)).

I was hired by Respondent in June 1991, as a Maintenance man. I believe that I have been discriminated against in the terms, conditions, and privileges of employment based on my Age (59) for the following reasons:

Background

Respondent Community Manager noticed that one light was left on and one lock was left unlocked in the Respondent's Rental Office. As a result, the Community Manager decided to change the main lock to the rental office which housed all the keys to the apartments.

Disparate Treatment- Terms and Conditions- Age

On November 4, 2015, Respondent Community Manager held a meeting where he stated that only one person would be given the new master key to the Rental Office and he designated the Porter holder of that key. The Porter in fact, was younger than I (30-35 years old), less experienced, and had only been employed with the Respondent for 3-4 years. Prior to the changing of the main lock on the Rental Office, everyone (Porter, Engineer, and I) had the master key to the Rental Office. I expressed to the Community Manager that I was not pleased with his decision and therefore told the Porter that I planned to file a charge with OHR against the Respondent for age discrimination. Being that I was one of the two maintenance men in charge of emergency maintenance not having a master key to access the rental office after hours for immediate access to the spare apartment keys in the wake of an emergency is extremely burdensome when trying to fulfill my job duties. I believe that I was discriminated against based on my age because the Community Manager previously made statements that I was old and moving slowly. I also feel that I was discriminated based on my age because the Community Manager gave the master key to someone who is younger and less experienced than I.

Therefore, I charge Respondent with unlawful discriminatory acts in violation of the Age Discrimination Employment Act of 1967 as amended, and the D.C. Human Rights Act of 1977, as amended. I have not commenced any other action civil, criminal or administrative, based on the above allegations, other than the instant Charge of Discrimination that has been cross-filed with the EEOC.

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.

NOTARY When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.
SIGNATURE OF COMPLAINANT

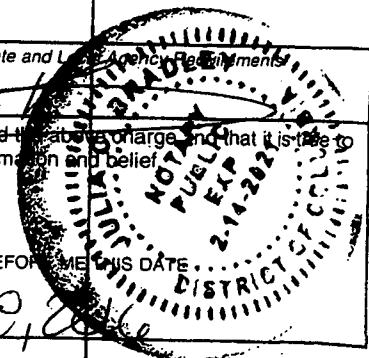
SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

Date

Charging Party Signature

04-8-16 Jeremiah Bryant

April 8, 2016



12. CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency Charge No(s):



FEPA

16-529-PCN

153.



EEOC

10-C-2016-00560

District of Columbia Office of Human Rights

and EEOC

State Agency

Name (indicate Mr., Ms., Mrs.)

Jeremiah Bryant

Home Phone (Incl. Area Code)

(202)-705-4121

Date of Birth

N/A

Street Address

15 Riggs Rd. N.E. APT #136

City, State and ZIP Code

Washington, D.C. 20011

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 one, list under PARTICULARS below.)

Name

Borger Management

No. Employees, Members

20+

Phone No.

202-898-1880

Street Address

1111 14th Street, N.W., Suite 200

City, State and ZIP Code

Washington, D.C. 20005

DISCRIMINATION BASED ON (Check appropriate box(es).)



RACE



COLOR



SEX



RELIGION



NATIONAL ORIGIN



RETALIATION



AGE



DISABILITY



OTHER (specified below)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

06/27/2016

06/27/2016



CONTINUING ACTION

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

I was hired by Respondent in June 1991, as a Maintenance Technician/Porter. I believe that I have been discriminated against in the terms, conditions, and privileges of employment and subjected to retaliation for participating in a protected activity on November 4, 2015 (filed a charge with the District of Columbia ["D.C."] Office of Human Rights, #16-360- P(CN)) and November 5, 2015 (filed a second charge with the District of Columbia ["D.C."] Office of Human Rights, #16-189-P(CN)) for the following reasons:

Discharge - Retaliation

On June 27, 2016, I was called into Respondent's Community Director's office and the Chairman was present. Respondent's Chairman stated, "Jeremiah, we are going to have to let you go, you are terminated." He only gave me one word as an explanation, "Misconduct." I was given two (2) checks and a letter of termination. I contend that I was terminated as a retaliatory act for filing two (2) charges of discrimination against Respondent with OHR.

Therefore, I charge Respondent with unlawful discriminatory acts in violation of Title VII of the Civil Rights Act of 1964, as amended, and the D.C. Human Rights Act of 1977, as amended. I have not commenced any other action civil, criminal, or administrative based on the above allegations other than the instant Charge of Discrimination that has been cross-filed with the EEOC.

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.

NOTARY - When necessary for State and Local Agency Requirements

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

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

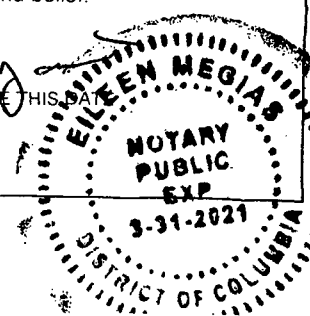
SIGNATURE OF COMPLAINANT

Jeremiah Bryant
SUBSCRIBED AND SWORN TO BEFORE ME THIS 13th DAY
(month, day, year)

Eileen Megias

Notary Public, District of Columbia

My commission expires March 31, 2021



Date

Charging Party Signature

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT	
CONCLUSION.....	

INDEX TO APPENDICES

APPENDIX A

APPENDIX B

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

1. Reeves v. Sanderson Plumbing Inc., 530 U.S. 133-2000
2. O'Connor v. Consolidated Caterers Corp., 517 U.S. 308-1996
3. Harris v. Forklift Inc., 510 U.S. 17-1993

STATUTES AND RULES

Sec. 15-712. Proceeding in Forma Pauperis

Any D.C. Court may authorize the commencement or defense of any non-criminal suit, action, or proceeding, without payment to the Court.

OTHER

16.0 44.1

§ 15-712. Proceedings in forma pauperis.

(a) Any District of Columbia court may authorize the commencement, prosecution or defense of any noncriminal suit, action or proceeding, or appeal therein, without prepayment of fees and costs or security therefor, including the fees for transcripts on appeal, by a person who is unable to pay such costs or give security therefor without substantial hardship to himself or herself or his or her family, as established by affidavit or other proof satisfactory to the court.

(b) Any person who makes an affidavit as provided in subsection (a) of this section and states therein that he or she receives public assistance under the District of Columbia Temporary Assistance for Needy Families, Program on Work, Employment, and Responsibility or General Assistance for Children programs, or receives assistance under title XVI of the Social Security Act (Supplemental Security Income) (76 Stat. 197) shall be presumed eligible to proceed without prepayment of fees and costs or security therefor.

Washington, District of Columbia

I certify this to be a complete, exact and true copy of the original document. Certified this

31st day of March, 2020

declarer

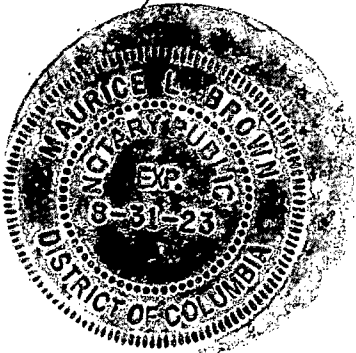
Jeremiah Bryant

District of Columbia: SS

Subscribed and sworn to before me, in my presence, this 31st day of March, 2020

Maurice L. Brown, Notary Public, D.C.

My commission expires August 31, 2023.



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 D.C. Court of Appeals court appears at Appendix A to the petition and is

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

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

☐ 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 02-07-2020.
A copy of that decision appears at Appendix A.

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

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

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. 28 U.S.C. Sec. 1915

The Court may request a lawyer to represent a person unable to afford one.

STATEMENT OF THE CASE

This case arises as an employment discrimination case brought by Petitioner before the O.H.R.

Petitioner is an African-American male who was subject to employment and age discrimination at his place of employment.

After 25 years of employment, within six months after filing charges, Petitioner was terminated.

Petitioner was employed as a live-on maintenance worker.

REASONS FOR GRANTING THE PETITION

I, Jeremiah Bryant, have been representing myself pro-se since 2015, with the valuable help of the D.C. Legal Clinic.

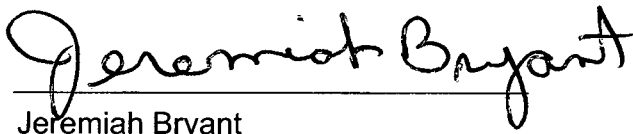
This case was first filed with the O.H.R. in 2015, then filed with the Superior Court in 2017, and then filed with the Court of Appeals in 2018.

Now in 2020 I am in the process of filing with the Supreme Court, In Forma Pauperis. Petition for Writ of Certiorari should be granted.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Jeremiah Bryant

Date: June 26, 2020