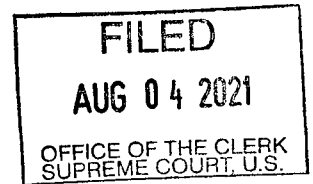


21-5351
No. 1

ORIGINAL



IN THE
SUPREME COURT OF THE UNITED STATES

Chaunte Jackson — PETITIONER
(Your Name)

vs.

TSA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

US Court of Appeals For the Sixth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

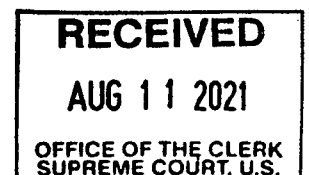
PETITION FOR WRIT OF CERTIORARI

Chaunte Jackson
(Your Name)

137 Shields Rd. Apt. 3
(Address)

Youngstown, Ohio 44512
(City, State, Zip Code)

(330) 507-1785
(Phone Number)



QUESTION(S) PRESENTED

IF THE EEOC obstructs A complainant from A constitutional legal right of due process, is there A definite requirement to have A right-to-sue letter before filing suit in the federal courts for discrimination and retaliation?

Under Title VII Civil Rights Act of 1964, does discrimination between two employee's of different race, does the discrimination have to be exact in statute or similar in statute to qualify as discrimination?

Is it illegal to fire an employee for filing A EEOC discrimination complaint with no valid, non-discriminatory reason?

Does A case qualify for equitable tolling when the complainant was continually misled and her case mishandled?

Fort Bend County, Texas v. Davis, 587 US (2019), Is there A need to request A right-to-sue letter or should it automatically given to the complainant after 180 days?

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:

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE	4
REASONS FOR GRANTING THE WRIT	5
CONCLUSION.....	6

INDEX TO APPENDICES

APPENDIX A	order U.S Court of Appeals For the sixth Circuit
APPENDIX B	Decision of the U.S District Court Northern District of Ohio Eastern Division
APPENDIX C	Order U.S Court of Appeals For the sixth Circuit Denying Rehearing en banc.
APPENDIX D	
APPENDIX E	
APPENDIX F	

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Hubbell v. FedEx Smart Post, Inc. (6th Cir 2019)	4-5
Fort Bend County, Texas v. Davis, 587 U.S. (2019)	4-3
Celotex Corp. v. Catrett 477, U.S. 317 (1986)	4-1
Alvarado v. Mine Service, LTO 16 K4-50668 (2015)	4-4
Menominee Indian Tribe of Wisconsin v. United States	4-4
Seattle Audubon Society v. Robertson (9th Cir 1991)	4-4
Solomon v. United States, 04-3650 (6th Cir 2006)	4-4
Cook v. Stegall, 295 F3d 517, 521 (6th Cir 2002)	4-4
Burlington Northern Santa Fe Railway Company v. White No 05-259 (2006)	4-5

STATUTES AND RULES

42 U.S.C. 2000E, et seq.
 42 U.S.C. 1981A
 29 CFR 1601.28(A)
 RULE 60(b)(6)

OTHER

United States Equal Employment Opportunity Commission
 SECTION 2: THRESHOLD ISSUES
 SUBSECTION D: Extending the time frame for filing
 SUBSECTION C: Misleading Information or Mishandling of charge
 by the EEOC or FEPA

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

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

OPINIONS BELOW

☒ For cases from **federal courts**:

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

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

The opinion of the United States district court appears at Appendix B 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 JUNE 25, 2020.

☐ 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: JUNE 17, 2021, and a copy of the order denying rehearing appears at Appendix C.

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

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

☐ For cases from **state courts**:

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

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

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

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Title VII of the Civil Rights Act of 1964

Civil Rights Act of 1991

TITLE I - FEDERAL CIVIL RIGHTS REMEDIES

(A) RIGHT OF RECOVERY

(1) CIVIL RIGHTS

(B) COMPENSATORY AND PUNITIVE DAMAGES

(1) DETERMINATION OF PUNITIVE DAMAGES

(d) IN THE CASE OF A RESPONDENT WHO HAS MORE THAN 500 EMPLOYEES IN EACH OF 20 OR MORE CALENDAR WEEKS IN THE CURRENT OR PRECEDING CALENDAR YEAR, \$300,000.

EQUITABLE TOLLING

- (1) THE PETITIONER'S LACK OF NOTICE OF THE FILING REQUIREMENT.
- (2) THE PETITIONER'S LACK OF CONSTRUCTIVE KNOWLEDGE OF THE FILING REQUIREMENT
- (3) DILIGENCE IN PURSUING ONE'S RIGHT
- (4) ABSENCE OF PREJUDICE TO THE DEFENDANT
- (5) THE PETITIONER'S REASONABLENESS IN REMAINING IGNORANT OF THE LEGAL REQUIREMENT FOR FILING A CLAIM.

McDONNELL DOUGLAS TEST

STATEMENT OF THE CASE

On November 04, 2015, I, Chaunte Jackson, filed an EEOC discrimination complaint against the Transportation Security Administration. On February 06, 2016 the investigation went into the formal phase and retaliation was added to the complaint because of my removal on January 07, 2016. Having no legal help, I was ignorant to the rule 29 C.F.R. 1601.28(a) which gives me the right to request a right-to-sue letter after 180 days. I was never informed of this rule and I did not learn of it until I filed for a stay of mandate in July 20, 2021. I'm not even sure if I can do that now.

There was a scheduling order set on January 18, 2018 with the EEOC Administrative Judge. A hearing was scheduled for July 25, 2018. On May 15, 2018 TSA filed a motion for a summary judgement. I did not respond due to lack of knowledge of the motion. Celotex Corp. v. Catrett 477, U.S. 317 (1986), an issue is "genuine" if there is evidence on which a reasonable fact finder could return a verdict for the nonmoving party. On July 31, 2018 the Administrative Judge stated that I have established a prima facie case of reprisal discrimination for being removed from service on January 07, 2016. The Administrative Judge then determined that TSA had a non-discriminatory reason for its action. My evidence was ignored. The Penalty Determination Factors Worksheet filled out by OAFSD Steven Hogan on December 28, 2015, shows that I would receive a fourteen day suspension for the charges against me. In the worksheet there is no mention of removing me.

After an appeal to the Department of Homeland Security, Transportation Security Administration, Office of Professional Responsibility Appellate Board on April 14, 2016 found that the charges against me were NOT SUSTAINED. My appeal was GRANTED and my job was reinstated. Therefore, there was NO valid, non-discriminatory reason for my removal from service but I was ruled against in spite of my evidence. After evidence of Officer Aliu Deak's, white male under 40yrs of age, discipline of a similar situated incident and my discipline and removal. Officer Deak was taken off TIOC (Travel Document Checker) duty only for two weeks and placed back on TIOC duty. I was removed from all of my duties and placed on the exit position for two months and then removed from service. The Administrative Judge ruled against my discrimination complaint. The McDonnell Douglas test:

- (1) that he/she is a member of a protected class;
I'm a black woman over the age of 40
- (2) that he/she suffered an adverse employment action;
I was removed from my check point duties and placed on the exit for two months and removed from service on January 07, 2016.
- (3) that he/she was qualified for the position;
I was qualified because I was hired, trained, and had worked in that position for three years
- (4) that a similarly situated non-protected employee was treated more favorably than the plaintiff.
Officer Aliu Deak was removed from TIOC position for two weeks and then placed back on that duty. 4 (2)

I WAS REMOVED FROM ALL POSITION BUT EXIT WHERE I SAT EIGHT HOURS A DAY FOR TWO MONTHS AND THEN SUBSEQUENTLY REMOVED FROM SERVICE.

THESE TWO INCIDENTS HAPPENED AROUND THE SAME TIME LINE AND THEY ARE VERY SIMILAR IN MATTER.

OFFICER DEAK IS A WHITE MALE UNDER THE AGE OF 40.

ON AUGUST 02, 2018, A JUDGEMENT ENTRY WITH AN APPEAL ADDRESS WAS DELIVERED TO ME VIA MAIL. I RECEIVED MY APPEAL LETTER BACK IN THE MAIL, UNOPENED AND STAMPED: PO BOX IS CLOSED / NO FORWARDING ADDRESS AND THIS WAS ON OCTOBER 12, 2018. I CONTACTED THE KEOC ON OCTOBER 15, 2018 TO FILE A COMPLAINT ABOUT BEING GIVEN THE WRONG APPEALS ADDRESS AND TO GET THE CORRECT ADDRESS. I WAS GIVEN A PHONE NUMBER TO TALK TO THE WRONG PERSON AND THE WRONG EMAIL ADDRESS. I CALLED THE NUMBER FOR MONTHS WITH NO ANSWER OR RETURNED CALL. AFTER GETTING THE RIGHT EMAIL AND GETTING SOMEONE TO RESPOND ON MARCH 13, 2019. I FINALLY REALIZED THAT I WOULDN'T RECEIVE ANY JUSTICE FROM THE KEOC AND I FILED MY COMPLAINT WITH THE FEDERAL COURTS ON JULY 23, 2019. BETWEEN MARCH 13, 2019 AND JULY 22, 2019 I TRIED TO FIND AN ATTORNEY THAT WOULD TAKE MY CASE PRO BONO, WITH NO SUCCESS. I THOUGHT I HAD 180 DAYS TO FILE MY COURT CASE. *Fort Bend County, TEXAS V. DAVIS*, 587 U.S. (2019) IF THE KEOC CHOOSES NOT TO SUE, AND WHETHER OR NOT THE KEOC OTHERWISE ACTS ON THE CHARGE, A COMPLAINANT IS ENTITLED TO A "RIGHT-TO-SUE" NOTICE 180 DAYS AFTER THE CHARGE IS FILED.

On April 19, 2021, my Appeal was denied because I filed my my case with the district court 10-11 days too late. ANARADO V. MILITARY SERVICE, LTIO, No 14-50668 (5th Cir 2015), the case falls within the line of cases which hold equitable tolling will extend a deadline and noted the court extending the deadline 20 days will not cause any prejudice to the employer.

MENOMINEE INDIAN TRIBE OF WISCONSIN V. UNITED STATES, the plaintiff was not entitled to equitable tolling of the statute of limitations because they did not demonstrate that "extraordinary" circumstances prevented the timely filing of the lawsuit.

Solomon V. United States, 04-3650 (6th Cir. 2006)

Equitable Tolling

- (1) the petitioner's lack of notice of the filing requirement
- (2) the petitioner's lack of constructive knowledge of the filing requirement
- (3) diligence in pursuing one's rights
- (4) absence of prejudice to the defendant.
- (5) the petitioner's reasonableness in remaining ignorant of the legal requirement for filing a claim

Cook V. Stegall, 295 F3d 517, 521 (6th Cir 2002) the propriety of equitable tolling must necessarily be determined on a case-by-case basis.

Seattle Audubon Society V Robertson, 931 F2d 590 (9th Cir. 1991)

states that equitable tolling may be applied when plaintiffs are prevented from asserting their claims by some kind of wrongful conduct on the part of the defendant.

My case for retaliation was already decided by the Supreme Court. Burlington Northern & Santa Fe Railway Company, No. 05-259, 548 US 53 (2006). Hubbell v. FedEx SmartPost, Inc (6th Cir 2019). There are already cases that set precedent before my case. My evidence backs-up my case and laws created to protect me and people like me. I respectfully ask the Supreme Court to look at all evidence, laws, rules and cases presented.

REASONS FOR GRANTING THE PETITION

STERN, GRESSMAN, SHAPIRO, AND GELLER, SUPREME COURT PRACTICE 4.3-4.15 (7th Ed. 1993)

- (1) CASES RAISING A FEDERAL LAW QUESTION ON WHICH A CONFLICT HAS DEVELOPED AMONG THE FEDERAL CIRCUIT OR SUPREME COURTS
- (2) CASES IN WHICH THE LOWER COURT REACHED A DECISION IN CONFLICT WITH GOVERNING SUPREME COURT PRECEDENT
- (3) CASES SQUARELY PRESENTING AN IMPORTANT ISSUE OF FEDERAL LAW WITH SIGNIFICANT PRACTICAL CONSEQUENCES

Burlington Northern & Santa Fe Railway Company / No. 05-259, 548 US 53 (2006) AND MY CASE ARE SIMILAR AND THIS CASE PRECEDED MINE. THE LOWER COURT'S DECISION CONFLICTS WITH THE SUPREME COURT'S DECISION.

TITLE VII Civil Rights Act of 1964 IS A FEDERAL LAW WITH SIGNIFICANT PRACTICAL CONSEQUENCES FOR MY CASE. COURTS ARE BOUND TO APPLY THE LAW AND SINCE THERE ARE PRECEDENT CASES SHOULDN'T MY CASE HAVE THE SAME RULING REGARDLESS OF A RIGHT-TO-SUE LETTER OR NOT?

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Chauntel Jackson

Date: August 04, 2021